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CATHEDRA PETRI.

A

Political History

OF THE

GREAT LATIN PATRIARCHATE.

BOOKS XII. & XIII.

FROM THE CONCORDAT OF WORMS (A.D. 1122) TO THE CLOSE OF THE PONTIFICATE OF INNOCENT III. (A.D. 1216).

BY

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PREFACE.

THREE years have passed away since the publication of the Fourth Volume of this Work.

A Fifth is now presented to the public, bringing down the history of the Papacy to an epoch at which it may properly be said to have attained to its greatest development both in respect of territorial expansion and political influence. The present Volume closes with the death of Innocent III., a pontiff whose name stands foremost in the annals of the sacerdotal empire of Rome.

The original plan of this Work has therefore been carried out, and the writer might lay down the pen with that kind of tranquil satisfaction which the fulfilment of a self-imposed task, from which he expected neither profit nor renown, might bring with it.

It may be repeated here that the Work was begun under the impression that no profitable knowledge of the character and *modus operandi* of the great pontifical scheme of Rome had found its way to the mind of his countrymen. The earlier views of the writer were in several respects favourable to the claims of the Latin scheme. The progress of his inquiries, however, imparted their present shape to his labours. The change—such as it was—was gradual and involuntary; a condition of mind which, at all events, affords some security for the writer's integrity, though it may not be deemed creditable to his discrimination or consistency. The error—if any there be—may, however, be imputed to the conviction, at no period of his labours

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absent from his mind, that *civil liberty is incompatible with mental or religious servitude.* But, prior to the investigation, it did not follow that the Latin scheme required such a state of mental prostration as would unfit its subjects for independent volition or spontaneous action. It was therefore not his fault if, in the course of the inquiry, he could not shake off the impression that the system of the Latin church, as matured in the minds of its most eminent legislators, and carried into practice by its most successful ministers and advocates, was calculated upon an absolute surrender of private judgment in all matters in which the priest or the church might claim an interest. Its history, however, plainly showed this to be its normal character and operation; and no doubt can be entertained that, at the epoch of the reign of Innocent III., it had achieved astonishing success in modifying political institutions, controlling the will of princes and governments, and utilising the passions of mankind to an extent that left to the lay community scarcely an opening for the free exercise of the faculties upon the subjects most important to the welfare of society and the progress of social improvement. The further inference, therefore, lay close at hand, that if ever that scheme should recover from its present state of comparative depression, the battle of civil and religious liberty would have to be fought over again.

If there be any chance of such a revival, it would behove our political leaders to look more closely into the inherent peculiarities of a system which denies the right of the subject to freedom of thought and action upon matters most material to his civil and religious welfare. There is no mode of ascertaining the spirit and tendency of great institutions but in a careful study of their history. The writer is profoundly impressed with the conviction that our political instructors have wholly neglected this important duty; or—which is perhaps worse—left it in the hands of a class of persons whose zeal has outrun their discretion, and who have sought rather to engage the prejudices than the judgment of their hearers in the cause they have, no doubt sincerely, at heart. It is of the last importance that the

judgment to be passed upon the papal scheme should be the result of a careful, if not a minute, analysis; that it should be founded upon a deliberate opinion respecting the principles on which it was built, and an accurate observation of the practical operation of those principles from their birth to their maturity.

To this object all the leisure hours of the writer, for a period of thirty years, have been devoted. Without the assistance of literary friends—excepting an occasional opinion they may have been kind enough to express, and for which he returns them his sincere thanks—and without consulting any controversial works, ancient or modern, excepting such as have the character of historical documents, he has brought his work down to a period at which the sacerdotal scheme of Rome was, both in theory and practice, fully unfolded. All its principles of action were legislatively established, and its *modus operandi* illustrated by a vast and consistent series of acts done under them. But since the death of Innocent III., a period of three centuries of almost fruitless struggle against the political inconveniences of the Latin system had elapsed before any combined movement on behalf of civil and religious liberty could be hazarded. The question therefore arises whether, between the death of that great pontiff and the reformation of the sixteenth century, any such changes in the theory or practice of the Roman theocracy had taken place as to divest it of those inconveniences, and to obviate the dangers to civil and religious liberty, which no rational observer will be bold enough to affirm did not threaten those vital interests of society at the concluding period of the Volume now submitted to the reader.

The first subjects of inquiry, before we can be sure that such change—if any—is of a nature to dispel our apprehensions, must be, whether the change is in principle, or only in the *modus operandi*—whether it has or has not been effected with a reservation of the underlying principle in all its integrity—whether it is real, or a mere subterfuge to keep the principle out of sight until that kind of practical pressure could be brought to bear upon the outer world which should familiarise men's minds

with any further steps for the redintegration of the whole scheme, and thus to obviate the danger of a premature disclosure of its intrinsic character and its practical tendencies.

The writer therefore proposes—if life and health be granted—to consider these questions in what he takes leave to call a Supplemental Volume. It is intended to adhere as closely as possible to the chronological order of the events and incidents bearing upon the subject. It is not disguised that the ultimate issue must be *whether the combination of spiritual and temporal government in the same hands is reconcilable with the welfare of society in the mass;* whether, in fact, it be not a political anomaly, a combination of discordant elements, a ferment of mischief, and a perpetual shock to the religious and political aspirations of the world of thought and action. That parties—either in religion or politics—should cease to persecute one another, is a consummation rather to be wished than hoped for. All that the statesman or the political philosopher can do is to take from them the power to do mischief to each other, or to disturb the existing order of society with impunity.

CONTENTS.

BOOK XII.

CHAPTER I.

INNOCENT II. AND ANACLETUS II.

PAGE

HONORIUS II.—Adverse election of Cœlestine II.—his abdication—Honorius claims the patronage of the abbey of Monte Casino—his success —Roger II., king of Sicily, claims the reversion of Apulia against the Pope—and is excommunicated—Papal armament against Roger—Pacification—Roger does homage to the Pope—Death of Honorius II.— —Double elections: Innocent II. and Anacletus II.—Bernard, abbot of Clairvaux, defends the election of Innocent—his objections to the election of Anacletus—Innocent migrates to Pisa—Characters of Innocent and Anacletus—Innocent goes to France—Defence of Anacletus—Protest of canon Reimbold of Liége—Bernard gains over Louis of France —and Henry I. of England—Lothar of Germany gained by Bernard— Corrupt election of Lothar—Synod of Liége—Homage of Lothar—his imprudent request—Bernard, abbot of Clairvaux—Character of Bernard —Labours and miracles of Bernard—Causes and effects of his influence —Bernard on the papal prerogative—Coronation expedition of the emperor Lothar to Rome—Irregularities of the coronation—Subserviency of Lothar—Retreat of Emperor and Pope from Rome—Abbot Bernard at Pisa—Synod, and anathema against Anacletus—Bernard undertakes the restoration of pope Innocent—Lothar's second expedition into Italy —Dissensions between Pope and Emperor—Monte Casino—The Emperor appoints a new abbot, and the Pope yields the point—Retreat and death of the emperor Lothar—Bernard defends the title of Innocent II. before Roger king of Sicily—Adjournment of the discussion— Death of Anacletus II.—Election of Victor IV.—Abdication of Victor, and reconciliation with Innocent—Great council of the Lateran—The temporal and spiritual state of the church declared to be feoffs of the Holy See—King Roger again invades and conquers Apulia, &c.—Innocent the prisoner of Roger—Accommodation—State of Rome—The papal government overthrown—Pontifical theory of the severance of Church and State—Illustrative transactions in France—Case of the see of Bourges—Affair of Theobald of Champagne—Peter of Clugny on the royal and pontifical status—Bernard's compromise in the case of Ralph of Vermandois—Plot to entrap the king—Death of Innocent II.— Cœlestine II. pope—Accommodation with France 1

CHAPTER II.

BERNARD AGAINST THE SCHISMATICS.

PAGE

Church and clergy of the twelfth century—Fermentation in the religious mind of the twelfth century—Dissent in France—"Followers of the Apostles"—Heresy of bishop Gilbert of Poitiers—Errors of Peter Abælard—Bernard against Abælard and Arnold of Brescia—Citation of Abælard—Condemnation of his writings by the Pope—Arnold of Brescia—Bernard against Arnold—Arnold at Zürich, assailed by Bernard—Arnold in Rome—Cœlestine II. and Lucius II. popes—Death of Lucius II.—Eugenius III. pope—he is driven out of Rome—Revolution and outrages in Rome—Restoration and second expulsion of Eugenius—Revival of the crusading mania—Bernard the prophet of the crusade—Disastrous issue, &c.—Bernard assailed as an impostor, &c.—his retort—Apology for Bernard—his conduct, how far censurable—his justification—Bernard against the Romans—his summons to the emperor Conrad—Pope Eugenius in France—Bernard in disgrace with the curia—Commission to Bernard to make *inquisition* into the heresy of the Henricians—Bernard an inquisitor and persecutor—he attempts to reform the curia—Inveterate corruption of the curia—The legatine commission—Bernard on the irregularities of the legates—Bernard "De Consideratione"—Death of Eugenius III.—Death of Bernard of Clairvaux—Death of Suger of St. Denys—Shifting of the scene 34

CHAPTER III.

FREDERIC I. AND HADRIAN IV.

Death of Conrad III.—Election of Frederic I., Redbeard—Accommodation with Eugenius III.—State of Italy—Rivalry and ambition of the cities of Italy—Warfare of the Lombard cities—Conrad of Hohenstauffen in Italy—The emperor Lothar in Italy—Relation of the Italian kingdom to the empire—Frederic I. in Italy; diet of Roncaglia—Hadrian IV. pope—Arnold of Brescia and the political heretics—Character of the Roman people—how treated by Hadrian—Frederic sacrifices Arnold of Brescia to the Pope—Martyrdom of Arnold—Reception of Frederic by Hadrian IV.—Neglected ritual—Bombastic address and complaint of the Romans to the Emperor—Preposterous demands of the Romans—Reply of the Emperor—Advance to Rome—Coronation of the Emperor—Insurrection of the Romans, and danger of the Pope and Emperor—they evacuate Rome—Retreat of the Emperor—War between Hadrian and William of Sicily—Defeat of William—he recovers his lost territories—The Pope besieged in Beneventum—Negotiation—Treaty of St. Marcion—Resulting relations between the empire and the papacy—Claims of the empire upon the Norman feoffs of Southern Italy—Growing alienation of Emperor and Pope—Rupture between Emperor and Pope—Affair of the archbishop of Lund—Insolent message of the Pope—Stormy reception and dismissal of the papal legates

PAGE
—The Emperor's vindication of his treatment of the legates—Frederic prohibits unlicensed visits to Rome—Reply of the German clergy to the complaint of the Pope—Hadrian's explanation—The Emperor accepts the apology 57

CHAPTER IV.

FREDERIC I. AND ALEXANDER III.

State of Lombardy—Milan regains the ascendency—Submission of the Milanese in 1158—Diet of Roncaglia—Difficulties of government—Insurrection of the Milanese—Impediments to good legislation—Siege and capture of Crema—Preparations of the Milanese—Frederic fills vacant sees—transfers the estates of the countess Matilda to the duke of Bavaria—Intemperate address of Hadrian IV. to the Emperor—Frederic retaliates upon the Pope—Extravagant demands of the Pope—Soothing reply of the Emperor—Character of the papal demands—The renunciation of the treaty of Worms by Lothar not binding, &c.—Rejection of the papal demands—Epitome of the controversy—Death of Hadrian IV.—State of parties in the Sacred College—Election of Roland Bandinelli—Alexander III.—Character of the election—Victor IV.—Policy of the Rolandists—Policy of the Emperor—Contrariety of views of the connection between church and state—Imperial opinion—Pontifical opinion—Letters of the Emperor convoking a general council—his invitation to the rival popes—Reply of Alexander III.—Difficulties of the Emperor—Council of Pavia—Character of the council; its competency—Tendency of the Ghibelline principle of the union of church and state—Qualifications and policy of Alexander III.—Advice of the bishop of Lisieux—Excommunication of the Emperor—Pontifical vituperation—and specious imputation—Efforts of the Rolandist legates in England and France—their success in England—Difficulty in France; council of Toulouse—Ultimate success—Failure in Germany—Letters of Alexander to Eberhard of Salzburg, &c.—A single convert gained—Gains to the cause of Alexander—Difficulties of the Pope—Siege of Milan—Surrender of Milan—and flight of Alexander into France—Mediation of Henry of Troyes—Alarm of Alexander—he refuses to attend the proposed conference—Interview between the Emperor and the king of France at St. Jean de Losne—Tergiversation of Louis VII.—Flight of Alexander III. into Aquitaine—Breach of faith and flight of Louis VII. 87

CHAPTER V.

FREDERIC I. IN ITALY—HIS FAILURE AND RETREAT.

Prospects of the Emperor—Interviews of Alexander III. with the kings of England and France—Great council of Tours—Converts to the pontifical party—Eberhard of Salzburg—Arnold of Lisieux on sacerdotal prerogative—The clergy, their eminence—The Emperor a vassal of the church—Canons of the council of Tours—Activity of Alexander III.—Alexander III. and the monastic bodies—he contemplates the eman-

PAGE
cipation of the clergy from the secular state—Tendency of the policy of Alexander III.—Italian policy of Frederic I.—Discontents in Italy—Death of Victor IV.—Election of Guido of Crema (Pascal III.)—Revolt of the Lombard cities—Diet of Würzburg—Embassy of Henry II. against Alexander III.—The diet pledged to Pascal III.—Papal and Guelfic interest predominant in Italy and Rome—Return of Alexander III. to Rome—Frederic I. in Italy—he marches to Rome—Insurrection of the Lombards—Intent of the insurgents—Operations of archbishop Christian of Maintz—Siege of Rome—defended by pope Alexander—Dangerous delays—Capitulation of Rome—Evasion of the Pope—Projects of Frederic I.—Pestilence in the imperial army—Destruction of the army—Moral effect of the overthrow of the army—Retreat of Frederic I.—Escape of the Emperor, and his measures to retrieve the disaster—Lombard cities; building of Alexandria—The Romans—Death of Pascal III., and election of Calixtus III.—The Pope and the emperor of Constantinople—Frederic I. proposes to negotiate with the Pope—Alexander III. demands implicit submission—Divergency of the imperial and pontifical theories—The Pope takes the city of Tusculum under his protection—Breach of compact by the Romans 123

CHAPTER VI.

CLOSE OF THE PONTIFICATE OF ALEXANDER III.

Great men—The Emperor in Germany—Archbishop Christian in Italy—Expedition of 1174; siege of Alexandria—Negotiations for peace thwarted by the Pope—Negotiations; demands on both sides; rupture—Haughty demeanour of the papal legates; opening of the campaign of 1176—Defeat of the Emperor at Legnano—Consequences of the defeat—Approach of the parties—Pontifical demands—Provisional treaty of Agnani—Alexander III. removes to Venice—The Emperor proposes the city of Venice as a proper place for the negotiation—Suspicions of the city delegates; they yield to the determination of the Pope—Progress of the negotiation—The Emperor approaches Venice—The treaty of Venice of 1178—Ceremonial interview between the emperor Frederic I. and pope Alexander III.—Character and scope of the treaty of Venice—Advantages derived by the Pope from the treaty—Practical defects of the treaty—Dispute about the county of Bertinoro—Feud between the Romans and the citizens of Viterbo—Difficulties of the papacy—Convocation of the great council of the Lateran—Questions for the council—Difficulties as to the Matildian estate—Imperial claim to the Matildian estate—Title by testamentary bequest—Growth of heresy; the Albigenses, &c.—Prevalence of heresy in the South of France—Inquisition in Languedoc—Meeting of the fourth general council of the Latins—Measures of the council; election law—Reformatory ordinances—Intent and object of the Pope in council—Decree of extermination against the Albigenses—Pause in the narrative 155

CHAPTER VII.

EXTERNAL POLICY OF ALEXANDER III.; SCANDINAVIA; ENGLAND.

PAGE

Foreign policy of the Holy See—Foundation of the missionary church of Hamburg—Gradual conversion of the Scandinavian heathen—Progress of Christianity in Denmark, Norway, and Sweden—Triumph of Christianity in Scandinavia—Submission of the Scandinavian churches to Rome—State of the northern churches, and reforms of pope Alexander III.—Expansion of the Latin scheme—its scope and objects at this period—Original powers of the crown in ecclesiastical affairs in the English church—Powers of the Anglo-Saxon kings—Introduction of canon or decretal law—Earlier conflicts between canon law and the common law of the land—Henry I. and archbishop Anselm—End of the contest—The legatine commission in England—The "law and custom of England" in ecclesiastical concerns—Encroachments of Rome on the "law and custom of the realm"—The *Constitutions of Clarendon*—Nature and origin of the statute—Character and designs of Becket—Privileges and profligacies of the English clergy—Becket and the "salvo &c."—Domestic position of Henry II. prior to the enactments of Clarendon—Articles of the Constitutions—Becket subscribes the Constitutions; his remorse and absolution—Policy of Alexander III.—Persecution of Becket by Henry II.—Heroism of Becket—Parliament of Northampton; the king's ultimatum—Becket's reply to the ultimatum—his protest against the judgment of the court—Escape of Becket, and his reception in France—Vindictive proceedings of Henry II. against the archbishop—Becket's address to pope Alexander III.—his reception by the Pope—Henry II. threatens the Pope with secession—Becket in France; tone and character of his correspondence—he excommunicates the king's ministers—his view of ecclesiastical privilege—Henry II. declares his prerogative, and his resolution to uphold the laws and customs of the country—Becket, as legate, renews his excommunications—he endeavours to persuade the Pope to excommunicate Henry II.—Temperate remonstrance of the bishops to Becket—Intemperate rebuke of the primate to the bishops of England—Self-exculpation of Alexander III.; his policy—Becket disputes the competency of the papal legates—Arts resorted to to thwart the pacification—Becket's guiding principle—Contrasted management of Alexander III.—Failure of the Pope's attempt at pacification—Failure of the attempt of the king of France to reconcile Henry II. with Becket—The legation of Gratian and Vivian: its failure—Vivian alone attempts to resume the negotiation—Alexander III. contemplates more rigorous methods—Efforts of the Pope to procure the restoration of Becket—The pope takes the management of the controversy into his own hands—Terms of reconciliation agreed upon between the Pope and the King—Mutual dispositions of Becket and the King—Interview between the King and the archbishop—Disposition of the parties—Becket's prospects and designs—he returns to England—Insane anger of Henry II. and murder of Becket—Henry's exculpation to the Pope—Henry II. submits to the Pope—Triumph of the papacy: abrogation of the statutes of Clarendon and Northampton . . . 193

CHAPTER VIII.

SUCCESSORS OF ALEXANDER III. FIVE PONTIFICATES.

PAGE

The *liberties* of the church—Character of the struggle between church and state—Pontifical exposition of the liberties of the church—to be sought in the canon law and its expositors—Operation of the so-called "liberties of the church" upon the welfare of the people—Matters to be elucidated—1. Operation of these "liberties" upon governments—Italy before Charlemagne—Italy, Spain, and France, after Charlemagne—Severance of church and state; its results—Basis of the feudal union—Basis of the ecclesiastical union—Antagonism of the two principles favourable to general liberty—2. Operation of the "liberties of the church" upon the well-being of the commonalty; the "Treuga Dei"—The church and the crusades—Effect of the crusades on the interests of peace and social order—Period comprised in this chapter—Government of Alexander III.—The five pontificates—Lucius III. pope—Pacification of Italy—Lucius III. and the emperor Frederic—Disputed election in the see of Trevers—Policy of the Emperor in his dealings with Lucius III.—Death of Lucius III. and election of Urban III.—Papal demands—Hostility of pope Urban—Great diet in Germany—Pontifical assault upon lay-patronage, &c.—Urban III. threatens to excommunicate the Emperor—Declaration of pontifical prerogative: Godfrey of Viterbo—Capture of Jerusalem, and death of Urban III.—Gregory VIII. pope—his death, and election of Clement III.—Negotiations with the Romans—Treaty and restoration of Clement III.—his pontificate and death—Election of Cœlestine III.—Crusade and death of the emperor Frederic I.—Marriage of Constantia of Sicily with Henry VI.—Tancred king of Sicily—Coronation of Henry VI.—he invades Southern Italy—his retreat—Liberation of queen Constantia: death of Tancred—Conquest of Sicily, &c. by Henry VI.—The Crusades; their advantage to the papal power—The spirit of the crusade—Spiritual privileges granted to the crusaders—Levy of the Saladdin tithe—Protest of Peter of Blois—Impediments to the projected crusade—The Germans in the crusade—Failure of the crusade—and captivity of Richard I. of England—Relations of the English and Scottish churches to the papacy—Dissensions in Scotland—Triumph of sacerdotal influence in England—King Richard I. and bishop Hugh of Lincoln—Refusal of the English clergy to contribute to the holy war—Expulsion of the regent-legate, William of Ely—The bishop of Ely excommunicates his enemies—Absolution of the English delinquents—Pope Cœlestine III. in the divorce of Philip of France—Death of pope Cœlestine III.—Conclusion of Book xii. . 268

BOOK XIII.

CHAPTER I.

INTRODUCTORY CHAPTER.

PAGE

Introductory observation—Difficulties of the *subject*—Difficulties of the *arrangement*—Order of arrangement—The papal scheme at the close of the 12th century—is based on territorial possession—Temporal basis of spiritual power in the Middle Age—The "Patrimony Proper"—"Donation of Constantine" and other forgeries—their effect on the papal claims—Effect of the genuine donations to the Holy See—their extent—Donation of Charlemagne—doubtful what territories it comprised—General powers of government exercised by the Popes—Secular opinion of the rights of the Holy See—German opinion—distinguishes *right of possession* from absolute sovereignty—Political position of the papacy at the death of Henry VI.—Internal government of Rome and the "Patrimony"—State of Europe at the commencement of the reign of Innocent III.—France—Philip Augustus—France and England—Philip Augustus and Richard Cœur-de-Lion—their joint crusade, and its consequences—Divorce and re-marriage of Philip Augustus—Germany and Italy—The *political* "imperium" and the *spiritual* "imperium"—Henry VI. in Italy—The imperial governors in Italy—Death of Henry VI.—Its consequences—the Spanish peninsula—The Scandinavian churches of the 12th century—State of the Sclavic churches—Poland—Roman discipline in the Polish churches—in Hungary—Bulgaria—the Byzantine Empire—Jerusalem—Armenia 321

CHAPTER II.

EDUCATION AND OPINIONS OF INNOCENT III.

Birth and education of Lothario di Segni—Lothario at Paris—Lothario at Bologna—Study of the *canon law* introduced—Celebrity of the faculty of canon law at Bologna—Influence of the study of canon law upon the mind of Lothario—He returns to Rome—is made a cardinal—His retirement; how spent—His works—"De Miseria," &c.—Human pursuits, their vanity and emptiness—The poor and the rich—the slave—the married and the unmarried—The just and righteous, their lot—Sympathetic suffering—Moral state of the world—Gluttony—drunkenness—lust—frauds—luxury—The "Dialogue between God and a Sinner"—Hopeless state of the sinner—the remedy, confession and penance—the Pope the universal pardoner—Danger of postponing confession and penance—Summary of the opinions of pope Innocent III.—Character and scope of these opinions—Substitution of the Church for the Saviour; why—Explanatory and qualifying considerations—Propension of thinking men for the Church 345

CHAPTER III.

DECLARATION OF PREROGATIVE—AFFAIRS OF SICILY.

PAGE

State of the papacy at the death of Cœlestine III.—Project of the Curia—Death of Henry VI.; its consequences—Public opinion of Cardinal Lothario—his election as Pope Innocent III.—Preliminaries of the new pontificate—Innocent III. on the pontifical office—Pontifical declaration of right—Further illustrations—Intent of the declaration of right—Preliminary reforms—*Consecration sermon* of Innocent III.—The Pope the *steward* of Christ—The steward must be found *faithful*, wise—*Types* of the faithful steward—Personal application—The Pope *greater than man, less than God*—Nature and quality of the *food* to be administered—The installation of Innocent III.—The ceremonial of installation—The Te Deum—The "sedes stercoraria"—The rods and the keys—the belt, the purse, and the jewels—the largess—Principles of pontifical government—The Pope assumes the absolute sovereignty of Rome, &c.—State of the imperial acquisitions in central Italy—Sicily; papal demands against the empress Constantia—Submission of Constantia—The Pope and the Tuscan cities—their submission—Innocent III. obtains possession of the March of Ancona—and of the duchy of Spoleto—Difficulties and precautions of the Pope—his acquisitions, how secured—Right and title of the Holy See to these acquisitions—Extension of the scheme of acquisition to all churches—Pope Innocent assumes the government of Sicily, &c.—Marcuald's expedition into Apulia; its results—Deceit of Marcuald—The Pope republishes the excommunication against duke Marcuald—The duke returns to Sicily—Count Walter de Brennes—Defeat of Marcuald in Sicily—Opposition of the Chancellor Walter—Marcuald master of Sicily—Walter of Troja and duke Diephold—Defeat of Diephold and the ex-chancellor—Death of Marcuald—The ex-chancellor and Caperone in Sicily—Insurrection in Apulia—Death of the count de Brennes—Pacification—State of Sicily—The ministers and the king—King Frederic of Sicily—his character—his marriage 358

CHAPTER IV.

DOMESTIC DISTURBANCES—FRANCE—SPAIN—BULGARIA.

The cities of Italy—City of Rome and cities of the Patrimony—Municipality or republic of Rome—The supremacy of the empire—Innocent declares himself lord-paramount, &c.—Effect of the papal declaration of supremacy—The government in the hands of the Pope—Discontents—Foreign feuds; Viterbo and Vitorchiano—The feud taken up and settled by the Pope—Domestic feuds: the Orsini and the Della Scorta—Malady of the Pope, and restoration of the Senate—Disorders in Rome—Civil war in Rome: the Petrileoni and the Capocci—defeated—Compromise: a new Senate—The Senate incompetent: renewed disorder—result—Popularity of the Pope; his charities—and foundations

PAGE
—Position of pope Innocent abroad—his church-government—his discipline: translation of bishops—Pontifical police—The Pope makes himself a party to the affairs, &c. of princes—he denounces Philip Augustus of France—he promotes a crusade—Preparations for the crusade in France—and measures for the restoration of the Queen, &c.—Proceedings against the king of France in his divorce-cause—Excommunication and interdict upon the kingdom, &c.—Hesitation of the bishops—False position of Philip III. of France—his submission: the conditions—The interdict dissolved—The Pope punishes the French bishops, &c.—Jurisdiction of Rome in matrimonial causes—The king of Leon excommunicated for unlawful wedlock—Political interference of the Pope in Spain—Claim to Portugal as a tributary kingdom—The tribute; how to be regarded—Character of the papal pretension tried by concomitant facts—The Pope and the emperor Alexius Angelus—Dispute about preëminence, &c.—The Emperor claims the restitution of Cyprus—King Calo-Johannes of Bulgaria submits to the Pope—Calo-Johannes crowned by the Pope—Pontifical theory tried by the concomitant facts—The Pope in the quarrel of Andrew of Hungary and the Bulgarians—Resulting relations of both parties to the Pope . . . 395

CHAPTER V.

INNOCENT III. AND THE CRUSADE OF 1202—THE HOLY LAND—SCANDINAVIA, ETC.

The holy war—Crusaders and Venetians—Diversion of the crusade—Nugatory repentance of the Frankish pilgrims—Further diversion of the crusade, and capture of Constantinople—Instructions of the Pope to the army—Capture of Constantinople; how treated by the Pope—Proviso—Effect of the proviso—Absolution of the Venetians—Second revolution at Constantinople—Elevation of Murzuflos—Second capture of Constantinople—Baldwin emperor—Deed of partition between Venetians and Franks—Baldwin's report and petition to the Pope—Previous misgivings of the Pope—Exultation of Innocent III.—Petition of the Emperor and the Venetians—The Pope reproves the crusaders—The Pope accepts his new position—Edict on behalf of the Latins of Constantinople—Difficulties of the Pope—he claims the patronage of the patriarchate of Constantinople—he declines to sanction the treaty of partition—The Pope and the Venetians in the matter of the patriarchate—Indemnity to the clergy—Reorganisation of the Greek Church—Selfish policy of the Venetians—how rebuked by the Pope—Defeat and death of the emperor Baldwin—Apology of Calo-Johannes to the Pope—Henry of Flanders emperor—his liberal policy—Failures and disappointments of the Pope—State of the Holy Land—Leo king of Armenia—Dissensions in Syria referred by appeal to the Pope—Confusion of affairs in the East—Projects of Innocent III.; how far successful—Issue of the Pope's efforts in the East—Foreign churches—Peter of Aragon crowned by the Pope—Effect of the coronation—The Scandinavian churches—Norway—Sweden and Denmark—Poland—The "Emeriti" of the Roman Church; their privileges—Hungary; indulgences to king Emerich . 429

CHAPTER VI.

INNOCENT III. IN THE CIVIL WARS OF GERMANY.

PAGE

Principle of the government of pope Innocent III.—The ransom of Richard I. of England—France and England—Duke Philip of Swabia—Rejection of the claims of Frederic II.—Adverse elections of Philip and Otto—Richard I. in the cause of Otto—Philip Augustus of France in the cause of Philip of Swabia—Philip of Swabia to the Pope—Dispositions of Innocent III. as to the claims of Otto—Release of the Queen and family of Tancred—Candidates and their partisans place themselves in the hands of the Pope—Innocent resents the election of Leopold to the archbishopric of Maintz—Adjudication of the Pope on the claims of Philip and Otto—he decides against Philip—decides in favour of Otto—Innocent III. takes the election into his own hands—Innocent III. on the adoption of Otto—Papal legates in France and Germany—Remonstrance of the estates of Germany—Insolent apology of Innocent III.—Character of the apology—Remonstrance of king Philip Augustus—Reply of the Pope—Measures of the Pope for reducing the German prelates to obedience—Oath of Otto IV.—Legal nature of the promised cessions—Decline of king Philip's affairs: attempts at negotiation with Rome—The Pope complains of forgeries and false reports—Exertions of Innocent III. on behalf of king Otto IV.—Innocent III. to the Italians—Supineness of the estates of Germany in the cause of Otto IV.—Extorted oaths and promises; their nature—Turn of fortune: Philip in the ascendant—Indignation of Innocent III.—Approaches of Philip to the Pope—Innocent feels his way to an accommodation with Philip—He absolves Philip, and negotiates a truce—Murder of king Philip—Innocent on the crisis in Germany: proclamation of Otto IV.—The Pope's admonition to Otto—Otto acknowledges his obligations to the Pope—Otto marches into Italy—Proposed coronation—Oath—Reception of Otto in Italy—Alarm of the Pope and the Romans—The Emperor breaks his oath—Conflicting oaths—Otto disregards the menaces of the Pope—Innocent threatens him with the fate of Nebuchadnezzar, &c.—Indifference of Otto to the papal thunders—Otto invades Apulia against the prohibition of the Pope—The Emperor's treasons to the Church denounced—Innocent excommunicates Otto IV., and absolves his subjects, &c.—Effect of the sentence: perplexity of the Pope—Frederic II.—Last attempt of the Pope to reclaim the Emperor—Insurrection in Germany—Invitation of the Germans to Frederic II.—Success and sudden reverses of Otto IV.—Innocent III. transfers his patronage to Frederic of Sicily—General policy of the Pope—Frederic II. sets off for Germany—His arrival and recognition as King of the Romans—He confirms the engagements of Otto IV. to the Holy See—Great council at Eger—Character and legal effect of the charter of Frederic II. to the Holy See—Scheme of separation of the crowns of Germany and Sicily—Abdication of the kingdom of Sicily by Frederic II. in favour of his son—Final ruin of Otto IV.—Battle of Bouvines—The cause of Otto IV. discussed and decided at the great council of the Lateran, A.D. 1215—Gains of Innocent III. 461

CHAPTER VII.

INNOCENT III. IN THE WALDENSIAN PERSECUTION.

PAGE

Persecution, &c., how far connected with our subject—The two principal points of connexion—Dispositions of the persecutors and the persecuted —Innocent III. a persecutor on principle—The churchman's view of heresy—Hatred of the heretics to the Church—Irregularities of the clergy—Projected reforms—Virtues of the heretics; how treated—Earliest edict of Innocent III. against the heretics—First fruits of the decree —Heresy in Italy—Religious disturbances at Orvieto—Heresy in Viterbo —Edict against the heretics—Publication of the edicts against heretics in France—"The Church in danger"—Political and religious state of the South of France—Ineffectual attempts to put down heresy in Languedoc—Measures of Innocent III.—The legates disarm Raymond of Toulouse—Diego of Osma and friar Dominic—Peter de Castelnau excommunicates count Raymond—Labours of the inquisitors—Exasperation of Innocent III.—Insolent letter of the Pope to count Raymond—Intimidation of Raymond—A crusade published—Murder of Peter de Castelnau—Rage of the Pope—Denunciations—Indulgences— Organisation of the crusade—Submission of Raymond; and conditions of pardon—The Pope recommends *pious fraud*—Intent to depose count Raymond—The Count ensnared into confession and penance—His penance at St. Gilles, and absolution—Advance of the Crusaders—Massacre of Beziers—Simon de Montfort the vassal of Rome for the viscounty of Beziers—Raymond again excommunicated—The inquisitor Arnold recommends the ruin and death of Raymond—Appeal of Raymond to the Pope—The legates set aside the papal rescript; and refuse to hear the Count in his defence—The crusade and its results—Consolidation of the crusade—Deposition and destitution of count Raymond—Innocent III. ratifies the decree of destitution—The crusade a war of conquest—Innocent III. rebukes the ambition of Simon de Montfort and the legates—Evasive management of Innocent—The inquisitors and the bishops recommend the destruction of Toulouse, &c.—Intercession of the king of Aragon rejected—Position of the Pope towards the crusade— The Pope reproves the king of Aragon for falsehood, &c.—Peter of Aragon takes the field against De Montfort—Defeat and death of Peter —Rebuff to Simon de Montfort—Submission of the excommunicated nobles—Retirement of Raymond—Perpetuation of persecution—Simon de Montfort count of Toulouse—Character of the crusading movement as it concerns the promoters. [Note] 517

CHAPTER VIII.

POPE INNOCENT III. IN THE AFFAIRS OF ENGLAND.

England in its relation to the papacy—Accession of king John: treaty of Andili—Offences of king John—Condemnation of king John by the

PAGE
court of his peers in France—Capture of prince Arthur—Pope Innocent vindicates his right to interfere between princes and their vassals—Efforts of Innocent III. to reconcile the kings of France and England—Policy of the Pope under his disappointments—Papal designs against the Church of England — Death of archbishop Hubert, and state of parties — Stratagem of the monks of Canterbury—The King and the canons of Canterbury elect the bishop of Norwich—Proceeding of the parties at Rome — The Pope declares the see of Canterbury vacant—Innocent takes the election of the archbishop of Canterbury into his own hands — Election of Cardinal Langton — Character of the papal proceeding in the election of Langton — King John expels the monks of Canterbury, &c.—King John angers the Pope—Innocent claims "*the plenitude of power*" over the church of Canterbury—England laid under interdict—Sources of pontifical influence in England—Excommunication of king John—Persecutions and extortions of the King—Difficulties of accommodation with the Pope—The King refuses the Pope's terms—Deposition of king John, and transfer of the crown to king Philip Augustus — Astute policy of Innocent III. — Helpless alarm of king John — Pandulph again in England — Terms of reconciliation stated and accepted by king John — The King surrenders crowns and kingdoms to the Pope—Charter of surrender—Innocent deceives the king of France, and countermands the invasion of England—Character of the transaction as it affected all parties — Conduct of the insurgent barons and people of England—Gains and losses of the parties—Return of the exiled prelates, and absolution of the King—John complains of the barons and clergy to the Pope—Mission of Nicolas of Tusculum—Design of the Pope as to the government of England—Confirmation of the charter of surrender—whether a properly legislative act?—A convocation: archbishop Langton on the laws and liberties of England — Assemblies at Reading and Wallingford — Papal dealings with the churches and benefices of England — Protest of the archbishop and bishops—Dismissal of the protest, and pontifical decree of indemnity—Unjust distribution and dissatisfaction—Events preparatory of Magna Charta — Popular and ecclesiastical complaints, how answered by the Pope — Effect of the reply, and the false promises of the King — his shifts to withdraw the clergy from the common cause—Secessions from the King's party — Magna Charta ; its character — how treated by the Pope—Cause of the anger of Innocent III.—his hatred of independent action — Contumacy of the barons — Justification of the King — Condemnation of Magna Charta—Effect of the papal manifesto upon the barons &c. of England — Renewal of the civil war, and excommunication of the barons — Fierce denunciation of the archbishop and the bishops of England—Archbishop Langton suspended—The Pope nominates the archbishop of York—Advantage of king John at Rome—The citizens of London reject the interdict—The barons at disadvantage—Prince Louis of France prepares to invade England ; he is forbidden by the Pope — Reply of Rome to the remonstrances of the King and prince of France—Altercation—Prince Louis's explanation to the Pope—Reply of Innocent III. — Papal allegations — Counter-plans of Louis—Respective character and merits of the arguments on both sides—Excommunication of Louis, the barons &c.—The King of France evades the interdict — Langton at Rome—Robberies of the legate in England—

PAGE
Effect of the death of Innocent III.—Misfortunes and death of king John—Policy of Innocent III. in England; its success—Accession of Henry III., and retirement of Louis of France 558

CHAPTER IX.

LAST ACTS OF INNOCENT III.—GREAT COUNCIL OF THE LATERAN.

General policy of pope Innocent III.—State of Europe prior to the convocation of the council of the Lateran—Italy—Treaties and promises; their value—Germany—France—England—Spain—Convocation of the general council of the Lateran—Objects of the council—Leading motives for the convocation, &c.—Letters of convocation—Opening of the great council of the Lateran, Nov. 1215—The 'concio ad clerum'—Pontifical idea of the functions of councils—Canonization of the *doctrine of transubstantiation*—Antecedent adoption of the doctrine—Motive for the canonization of the doctrine of transubstantiation—Edict of inquisition of heresy—Character of the edict—Provisions for the execution of the edict—Establishment of the Inquisition—Rearrangement of ecclesiastical dignities, &c.—Patriarchal precedence granted to Constantinople—Modes of election to vacant sees and abbeys prescribed—Extension of lay influence in elections—Reservation of the papal revision and confirmation—Prohibition of pluralities—Prohibition of nepotism; diversion of ecclesiastical funds, &c.—Jealousy of the laity—Ordinance respecting tithes—Reformation of the monasteries—Trial of clerical offenders—lay discipline; treatment of sick persons—Relaxation of canonical restrictions upon marriage—General observations upon the ordinances of 1215—Services of Innocent III. to his church—Proclamation of privilege to the crusaders—A legate à latere to direct the movements of the army—Political decrees of the council—Hegemony of the armies of the cross—Adjudication of the county of Toulouse, &c. to Simon de Montfort—Affairs of England; how treated by the Pope in council—The Pope nominates the archbishop of York—The Pope against Langton—Frederic II. assumes the cross; consequences—Pontifical charges against Frederic II.—Establishment of the order of friar-preachers or Dominicans—Dominic of Calaruega—Institution of the Franciscan order—Last labours and death of Innocent III.—Innocent III. judged by his contemporaries—General observations on the pontificate of Innocent III.—Object of the preceding volumes 627

CATHEDRA PETRI:

A

POLITICAL HISTORY

OF THE

GREAT LATIN PATRIARCHATE.

Book XII. Chapter I.

INNOCENT II. AND ANACLETUS II.

Honorius II.—Adverse election of Cœlestine II.—his abdication—Honorius claims the patronage of the abbey of Monte Casino—his success—Roger II., king of Sicily, claims the reversion of Apulia against the Pope—and is excommunicated—Papal armament against Roger—Pacification—Roger does homage to the Pope—Death of Honorius II.—Double elections; Innocent II. and Anacletus II.—Bernard, abbot of Clairvaux, defends the election of Innocent—his objections to the election of Anacletus—Innocent migrates to Pisa—Characters of Innocent and Anacletus—Innocent goes to France—Defence of Anacletus—Protest of canon Reimbold of Liége—Bernard gains over Louis of France—and Henry I. of England—Lothar of Germany gained by Bernard—Corrupt election of Lothar—Synod of Liége—Homage of Lothar—his imprudent request—Bernard, abbot of Clairvaux—Character of Bernard—Labours and miracles of Bernard—Causes and effects of his influence—Bernard on the papal prerogative—Coronation expedition of the emperor Lothar to Rome—Irregularities of the coronation—Subserviency of Lothar—Retreat of Emperor and Pope from Rome—Abbot Bernard at Pisa—Synod, and anathema against Anacletus—Bernard undertakes the restoration of pope Innocent—Lothar's second expedition into Italy—Dissensions between Pope and Emperor—Monte Casino—The Emperor appoints a new abbot, and the Pope yields the point—Retreat and death of the emperor Lothar—Bernard defends the title of Innocent II. before Roger, king of Sicily—Adjournment of the discussion—Death of Anacletus II.—Election of Victor IV.—Abdication of Victor, and reconciliation with Innocent—Great council of the Lateran—The temporal and spiritual state of the church declared to be feoffs of the Holy See—King Roger again invades and conquers Apulia, &c.—Innocent the prisoner of Roger—Accommodation—State

of Rome — The papal government overthrown — Pontifical theory of the severance of Church and State—Illustrative transactions in France—Case of the see of Bourges—Affair of Theobald of Champagne—Peter of Clugny on the royal and pontifical status—Bernard's compromise in the case of Ralph of Vermandois—Plot to entrap the king—Death of Innocent II.—Cœlestine II. pope—Accommodation with France.

Pope Calixtus II. died on the 12th or 13th December 1124. Within five months he was followed to the grave by his late opponent, Henry V. of Germany.[a] At the death of Calixtus the powerful party of the Frangipani carried the election of Lambert, bishop of Ostia, and enthroned him by the name of Honorius II. A few hours later, the popular party, under the influence of cardinal Peter Leonis, son of a rich Jew banker,[b] elected Theobald, cardinal priest of St. Anastasius, and saluted him pope by the name of Cœlestine II. The sequel of this double election is unexplained. It appears that both candidates entertained doubts of the validity of their respective elections. Cœlestine voluntarily laid aside the insignia of his new dignity; Honorius proclaimed his scruples more ostentatiously, and after having exhibited himself as pontiff for the space of seven days, divested himself, article by article, of the pontifical vestments, and modestly withdrew from the presence of the astonished electors. The effect of this self-humiliation was instantaneous; the silent (probably the sincere) abdication of Cœlestine was accepted; and Honorius was recalled by the unanimous suffrages of both parties, and enthroned with all the formalities of a canonical election.[c]

Honorius II. pope.

Adverse election of Cœlestine II.

He abdicates.

In the first days of the new reign the attention of the Pope was drawn to the state of the great abbey of Monte Casino. Honorius claimed tribute from the community in acknowledgment of the superiority of the Roman church.

Honorius claims the patronage of the abbey of MonteCasino.

[a] He died at the age of forty-four, on the 23d May 1125. *Raumer*, Gesch. der Hohenstauffen, i. p. 322.

[b] Leo IX. had employed him as a sort of court banker, and persuaded him to accept baptism. On that occasion he took the name of his pontifical godfather, and proved himself a very useful agent of the court.

[c] *Pand. Pisan.* in Vit. Honor. II. ap. *Murat.* Sc. Rr. Ital. *Baron.* an. 1124, § 8, p. 373. Conf. *Fleury*, II. E. t. xiv. p. 343.

Abbot Oderisius repelled the demand, and was excommunicated. The monks availed themselves of the opportunity for ridding themselves of an unpopular superior, and elected a successor more to their mind. Imputing the deposition of Oderisius to the effect of his censures, Honorius, of his own authority, nominated a superior, on the ground that Monte Casino was a papal foundation.[d] The choice of the community turned out unfortunate. The new abbot, Nicolas, with the aid of the Norman prince Robert of Capua, carried off the treasure of the convent, under colour of placing it in security against the deposed Oderisius. The monks discovered their error too late to save their wealth, and now placed the election unreservedly in the hands of the Pope. Despairing of his restoration, Oderisius threw himself at the feet of Honorius and obtained absolution; the papal nominee was accordingly accepted and installed by the community, and was consecrated on the spot by the Pope.[e]

His success.

A year or two later (A.D. 1127), the Pope became involved in a critical dispute with Roger II. king of Sicily. Roger was the grandson of Tancred de Hauteville, the founder of the Norman dynasty in Southern Italy. His father, Roger I., had conquered Sicily from the Saracens, and assumed the title of king of that island; the continental dominion of Calabria and Apulia descending in the elder line to duke William, the great-grandson of Tancred, through Robert Guiscard, the elder brother of Roger I. of Sicily. Upon the death of William, in 1127, without male heirs, Roger II., in the

Roger II. of Sicily claims the reversion of Apulia against the Pope;

[d] The monastery dated from the earlier years of the sixth century; but after its capture by the Lombards in 580, it had fallen into ruins, and so remained for a period of 140 years. About the year 718, pope Gregory II. partially restored the monastery, and in a short time it was enriched by many splendid donations and endowments. Karlmann son of Charles Martel, Rachis king of the Lombards, with his wife and daughters, subsequently other persons of rank and wealth, retired thither from the world. The grounds upon which the see of Rome claimed the patronage of the abbey were the following: that Benedict, the founder of the abbey, was an emissary of the Holy See; that the restorers and endowers had been either deputed by the popes for the time being, or had been Roman citizens; and that the abbots Petronax, Maurus, and Placidus had derived their commissions from the same source.

[e] *Pet. Diac.* Chron. Mont. Cas. lib. iv. c. 88-95, ap. *Murat.* iv. 550-554.

natural course of feudal representation, became the heir of his cousin, and asserted his right without delay. The Pope, on the other hand, claimed the entire inheritance of duke William as an escheat to the Holy See. Roger, however, entered promptly and peaceably into possession of the duchies; and the indignant pontiff resorted to the ordinary weapons of pontifical warfare for the restoration of his rights.[f] Upon the first intelligence of the invasion of the duchies by Roger II., Honorius hurried to Beneventum to reduce his refractory vassal to reason; and to that end threatened the severest visitation of spiritual censure. Willing to avoid extremities, Roger professed the most devoted attachment to his pontifical suzerain, and offered a large sum of money, if perchance he might, by the chink of his gold, soften the heart of his indignant superior. But both negotiations and bribes proved unavailing; the king was excommunicated with all the usual formalities; and Roger retaliated by letting loose his lawless bands upon the territory of the church of Beneventum. That city was no longer a place for the Pope to dwell in, and Honorius betook himself to the protection of Robert prince of Capua, with a view to prepare the more effectual appeal to the arm of flesh in support of the right of the apostle Peter to the sovereignty of the duchies of Calabria and Apulia.[g]

and is excommunicated.

Under the protection of Robert of Capua, the Pope assembled the independent barons of Northern Apulia and Campania, to prepare them for the struggle. These potentates were hardly less alarmed at the threatening advances of the formidable king of Sicily, than the Pope himself. Prince Robert, count Rainulph of Avellino, and a crowd of nobles, bishops, abbots, and feudal tenants of the Holy See,

The papal armament against Roger.

[f] It was pretended that though Roger might claim as heir of duke William, yet that the latter had left a will bequeathing all he possessed to the Holy See, and that he had on his deathbed made a declaration to the same effect. *Pagi*, Crit. ad *Baron.* an. 1127, § 1-3, pp. 401, 402. The pretence is, in fact, inconsistent with the allegation of an escheat. The will itself was never produced, even if, consistently with the rights of his kinsman, such a will could have had any legal operation.

[g] *Falco*, Benevent. Chron. ap. *Murat.* v. p. 10 et seq. *Bar.* an. 1127, § 1 ex Chron. *Romualdi*, Ep. Salern.

replied with acclamations to the war-note of the pontiff, promising loudly to stand by him and the sacred cause of the apostle Peter to the death.[h] But the performance was not so prompt as the promise. Delays were interposed; and the disappointed pontiff returned to Rome, to await the pleasure of his capricious vassals. Meanwhile Roger heaped up the measure of his iniquities by possessing himself of the territories of the Norman princes Boemund and Tancred, which, at their departure for the holy war, they had left under the special protection of the Holy See. The danger was now at the door, and the sacred trumpet was sounded with more telling effect. The princes of Capua and Avellino, the barons, bishops, abbots, and feudatories of St. Peter flocked tumultuously to the papal banner, and the jubilant host hastened to encounter and punish the sacrilegious intruder.

Roger, however, had taken up a position so difficult of access, and had so richly supplied his commissariat, as to leave him at liberty either to await the assault without apprehension, or to wear out his opponents by want of provisions and the deadly effects of a midsummer campaign in the torrid regions of the south. An assault in front was not to be hazarded; and want and disease soon began to produce their ordinary effects upon the tumultuary host. Silently one and another of the chiefs slipped away from the army; and the Pope, finding that little reliance could be placed upon his friends, determined to make a friend of his enemy. The negotiation was soon concluded, and Roger was acknowledged as duke of Calabria and Apulia, upon the like tenure as that of the late duke William. A tumultuous break-up of the papal army followed the publication of the treaty, and the allies returned home, loudly denouncing the treachery of the pontiff for deserting his devoted vassals

Pacification.

[h] By way of stimulating their zeal, the Pope is said to have promised a plenary absolution of all their sins to those who should fall in the holy war, and to the survivors a remission of an undivided moiety of all their transgressions. In consideration of these inestimable benefits, they were to "gird up their loins," to "unsheathe the sword," to "execute terrible vengeance upon the nefarious robber," &c. &c.

without regard to their present interests or their future security.[i] King Roger scrupulously performed his engagements to the Holy See. He did respectful homage to the Pope for all his late acquisitions; he guaranteed the city and territory of Beneventum to the Pope for ever, and loyally promised to respect the territory of the prince of Capua. Eighteen months of comparative tranquillity rewarded the policy or the moderation of Honorius; and in the month of February 1130, he sunk peaceably into the tomb, after a pontificate of five years, one month, and twenty-five days.[j]

Roger does homage to the Pope.

Death of Honorius II.

But a few hours after the decease of Honorius, the party of the nobles, represented by the Frangipani and the Corsi families, collected sixteen cardinal clergy of their faction in some unnamed locality, and elected Gregory, cardinal-deacon of St. Angelo, by the designation of Innocent II. On the same day, and but an hour or two afterwards, the party of Peter Leonis, himself at that moment the idol of the popular affections, assembled at the church of St. Mark, in the most public part of the city, and there, by the suffrages of a majority of the cardinal clergy, and with the unanimous assent of the magistracy and people of Rome, elected the highly popular Peter, cardinal-priest of St. Maria trans Tiberim, to be their bishop, by the title of Anacletus II. The new pontiff was forthwith enthroned and consecrated in the great basilica of St. Peter with all possible publicity, and without disturbance or protest on the part of his opponents.[k] In point of form, therefore, the only question that could be raised on behalf of Innocent was, whether the priority of time

Double election. Innocent II. and Anacletus II.

[i] Thus abbot *Alexander* of Celesino states the issue of this disastrous expedition. *Pagi*, ad *Bar.* an. 1128, § 4, p. 414. See also *Falco*, Benev. Chron. ap. *Mur.* iv. p. 105; *Pand. Pis.* ap. *Mur.* iii. p. 421; and the lives of Honorius II. by *Barnard Guido* and card. *Aragonius*, ibid. p. 422; also a fourth biography by *Amalric*, vol. iii. pt. ii. p. 365: most of whom, however, ascribe the Pope's ill success to the faithless desertion of the Prince of Capua and the vassal barons of the Holy See.

[j] *Pagi*, ad an., and *Art de Vér. &c.*

[k] The facts of the election, as here stated, we believe to have been undisputed by the Innocentians. See *Pand. Pisen.* in Vit. Inn. II. ap. *Mur.* iii. pt. ii. p. 367; *Falco*, Benev. Chron. ibid. v. p. 106.

should override the majority in respect of the numbers and legal qualification of his electors.

Bernard of Clairvaux defends the election of Innocent II.

There is no question in the history of the Roman church involved in greater and more perplexing obscurity than that which relates to the special forms that determined the canonical validity of a papal election. Bernard of Clairvaux, the oracle of his age, has taken upon himself the justification of that of Innocent II.[1] Admitting that the proceeding was "somewhat less regular in point of form than might be wished," he alleges that Innocent enjoyed the threefold advantage, 1, of the suffrages of the *better* part of the sacred college; 2, of the *approval of the majority* of the churches of the Latin communion; and, 3, of the more important testimony of *life and conversation*. Tacitly admitting the minority in point of *numbers* against his client, he insisted loudly that the priority in point of *time* was, whatever might be the merits of the first election, conclusive against a second proceeding of the same nature in favour of another person without appeal and judicial decision; not, however, naming the tribunal, or showing how the decision might be arrived at. Quietly passing over the rights of the Roman clergy and people in the election of their bishop, he boldly assumes the higher moral and religious character of the minority as evidence of the superior merits of their candidate, and finally rests the whole question upon an argument which, if admitted, would vest the election of a pope in the collective church, instead of the hitherto acknowledged canonical source of pontifical authority,—the suffrages of a majority of the cardinal clergy and people of Rome. Obviously, if Bernard's canon were admitted to govern the papal elections, the church might despair of ever seeing a legitimate pope. It is indeed scarcely possible to suppose that a man of his intellectual capacity should have intended more than to try the effect of his powerful rhetoric in favour of his client; nor can we avoid the suspicion that the Jewish descent of Anacletus II. was the secret motive

His objections to the election of Anacletus.

[1] *S. Bernard.* Ep. ap. *Baron.* an. 1130, § 4-7.

of the bitter and apparently groundless aspersions in which he indulged against him.

Innocent migrates to Pisa.

As usual in Rome, the popular opinion expressed itself in isolated acts of personal outrage against its opponents. Innocent was soon convinced that Rome could, in the actual temper of the people, be no safe abode[m] for him. In the first instance he sought an asylum against popular violence in the castellated mansions of his friends the Frangipani and Corsi, and was enabled, by their assistance, to procure two fast galleys, in which he and the whole section of the sacred college which adhered to his fortunes embarked; and after successfully eluding the pursuit of his adversaries, landed safely at the friendly port of Pisa.[n]

Reputation of Innocent and Anacletus.

It is admitted on all hands that the personal character of Innocent II. contrasted favourably against that of his rival. The cardinal of St. Angelo was a gentleman of family[o] and education. Initiated at an early age in public business under Urban II. and his successors, he had become well known to the churches of France and Germany, and had acquired the reputation of a man of intelligence, prudence, and integrity; more especially for the part he had borne in the negotiation of the treaty of Worms under Calixtus II.[p] On the other hand, pope Anacletus was almost unknown to the outer world, and was regarded with that dislike or aversion which attached to all the descendants of a hated and despised race. The creature of wealth,—originally acquired, probably, by means condemned by the church,—and proscribed by the prejudices of society,[q] he could hardly stand in general estimation on a level with a man of illustrious birth, unsullied descent, and acquired

[m] The imputed pillage of all the churches of Rome by Anacletus II. *in person* is no doubt one of those outrageous slanders in which it was the fashion of that age to indulge against all opponents. For the details of the libel see Ms. Cod. Vatican. ap. *Baron.* an. 1130, § 3, p. 429.

[n] *Baron.* ubi sup. p. 429.

[o] He was descended from the ancient and noble family of the Papæ or Papareschi.

[p] *Ciacone*, Vit. Pontiff. i. p. 971.

[q] In that age no distinction was taken between usury, and interest for the use of money. Those who had it to lend were, therefore, driven to ask more in the shape of interest than it was worth, by way of assurance against the chances of seeing it altogether sacrificed to the general prejudice.

political influence. His only chance lay in the liberal, perhaps questionable, use of that wealth upon which his social influence was built. The disadvantages of his position were eagerly imputed to him by his adversaries as crimes. Covetousness and rapacity, they said, were his inheritance; and the produce of his plunderings were profusely lavished to satisfy the cravings of the venal mob by which he was supported in his detestable rebellion against the legitimate head of the church.[r]

Innocent goes to France.

From Pisa Innocent repaired into France, and was received with open arms by the communities of Clugny and Clairvaux. Letters and messages on his behalf circulated with almost incredible rapidity from the two monasteries. Spain at once adopted his cause; and Louis VII. of France was not far behind in casting himself at the feet of the new pontiff. Anacletus met the storm of reprobation that was gathering around him with dignity and courage. He addressed letters of remonstrance to the courts of France and Germany, rehearsing all the irregularities of his opponent's election, explicitly denying the slanders circulated by him and his partisans, and challenging his adversaries to the proof.[s] This remonstrance was seconded by a memorial addressed to Lothar, the recently elected king of the Germans, and signed by no fewer than twenty-seven cardinals, repelling the charges of bribery and rapine, and insisting upon the clandestine character and the manifold irregularities of the election of Innocent, most of which were, in fact, tacitly admitted by their opponents. The election of Anacletus, they affirmed, was the spontaneous unbought result of the suffrages of the entire constituency of church and republic, united in the expression of one solemn opinion, and the performance of one lawful act, upon the spot consecrated by immemorial usage to the performance of the sacred rite. In all these particulars, they protested, the election of Gregory of St. Angelo was wholly defi-

Defence of Anacletus.

[r] See the letter of *Peter* of Clugny, ap. *Bar.* an. 1130, p. 443. Ep. *Bern.* ap. eund. § 4 and 5.

[s] Not a syllable of all these enormities, he said, was known at Rome.

cient, and therefore irregular and uncanonical. The memorial of the cardinals was supported by a petition from the magistracy, the nobles and the plebs of Rome, affirming in all points the purity of Anacletus' cause, and insisting upon the wrong done to the emperor-elect himself, and the insult to the people of his capital city, by such wanton repudiation of every known law of the church.[t]

Protest of canon Reimbald of Liége.

A remonstrance in like terms had been addressed to Louis VI. of France, and even to the monks of Clugny and Clairvaux. The latter of these documents was repelled with contemptuous insolence[u] by Bernard and the associated communities. But the clamour of the monks had not yet succeeded in stifling the voice of truth and candour. Reimbald, a canon of the church of Liége, protested aloud against the ignorant partiality displayed in the adjudication of the rival claims to the pontificate: "Innocent might, for all that had been urged for or against his pretensions, be a true pope: but as yet no evidence had been taken, no advocates had been heard, no appeal proposed, no tribunal assigned: all that had been said and done had proceeded upon a brutish and irrational ignorance of the facts of the case: a narrative had been published on the part of the rival candidate, containing statements which, if true, were of the last importance to the issue of the case: this writing had been wilfully suppressed, or, worse than that, it had been encountered by worthless invective and malignant slander: thus the world had been kept in ignorance: Innocent had been acknowledged by most men, they knew not why; and a gross injustice had been done to one who had called for and courted inquiry, and himself furnished the means of arriving at an equitable solution of the difficulty."[v]

[t] See the letters and memorial ap. *D. Bouq.* tom. xv. pp. 360-365. *Baronius* (an. 1130, § 12-14) inserts the greater number of these documents as specimens of the infamous falsehoods and prevarications imputable to heretics and schismatics in general.

[u] "Rome," said Peter of Clugny, "is where the Pope is; nor was Peter in his dungeon, Clement in his place of exile, Marcellus in the slavery of the stables, the less the monarchs of the universal church than when they dwelt in the palace of the Lateran." The fables here alluded to were the pabulum of ecclesiastical pretension in that and several succeeding ages. See *Bar.* an. 1130, § 37, p. 445.

[v] *D. Bouq.* tom. xv. p. 366. *Bar.* an. 1130, § 38, p. 445; and *Pagi*, ad loc.

The greater number of the bishops of England had, it appears, already acknowledged Anacletus as their pope. But now Lothar of Germany hesitated; and even Louis of France halted between two opinions. Bernard meanwhile stoutly insisted upon the universality of the recognition of Innocent's title, but without immediate effect; and he consented to dissipate the scruples of Louis at a synodal meeting to be held at Etampes. Here the personal ascendency of that extraordinary man shone out in the fullest light. King Louis surrendered all his scruples into the hands of the "man of God;" and adopted his view of the case as the immediate suggestion of the Holy Spirit. Hurrying from the presence of his temporal sovereign, Bernard presented himself at the court of Henry I. in Normandy, and poured into the ear of the English prince and his courtiers those passionate and pathetic appeals to which, in a far higher degree than to his intellectual powers, he owed the wonderful ascendency he had achieved over the spirit of the age. The simple Norman became the willing captive of the eloquent churchman, and consented without loss of time to abandon all his prepossessions at the feet of Innocent, who had taken up his abode at Chartres on the confines of Normandy. Two months after Henry's submission, the letters and emissaries of Innocent and his patron Bernard had accomplished the no less important conversion of the emperor-elect, Lothar of Germany. A great diet of the empire held at Würzburg unanimously declared in his favour. France, England, Spain, and Germany were by this time ranged under his banner; further proof of legitimacy was deemed superfluous;[w] and the voice of Reimbald of Liége died away in the distance, or was drowned in the acclamations of western Christendom.

Bernard gains over Louis of France,

and Henry I. of England.

Lothar of Germany gained by Bernard.

[w] *Lappenberg*, Gesch. v. Engl. i. 280. *Hartzheim*, Conc. Ger. iii. 334. *Raumer*, Geschichte der Hohenst. i. 346. *Bern.* Epp. n. 125. Of the "triplex funiculus" of Bernard, the "electio meliorum," the "approbatio plurium," and "testimonium vitæ," by which the title of Innocent was held together, two strands had failed him; the third, the "approbatio plurium," held on. This was enough for him.

Corrupt election of Lothar.

The conversion of the emperor Lothar of Saxony may have been hastened by a hope of relieving himself from the irksome position in which his compact of election had placed him. He had, with the assistance of Suger, abbot of St. Denys, and two papal legates, succeeded in setting aside the superior claims of Conrad of Hohenstauffen, the brother of the patriotic duke Frederic of Swabia, but at the price of a corrupt bargain with the papal party, then under the direction of Albert, archbishop of Maintz, the implacable enemy of the late dynasty. To secure the suffrages of the archbishop and the powerful papal minority in the empire, he had agreed to renounce for himself and his successors every material advantage of the late treaty of Worms, more especially the right of being present at the election of the prelates of the empire, and of giving investiture prior to consecration.[x] This act of folly, he now found, had gone far to transfer the ecclesiastical patronage of the crown to the papal or clerical party, and to reduce him to a state of vassalage mortifying to his pride, and prejudicial to the public interests. Like other feeble natures, when brought into contact with a stronger will and more determinate purpose, Lothar strove to obtain by solicitation and intrigue that which vigour and firmness might have commanded.[y] In the year 1131 he invited pope Innocent II. to meet him in solemn synod at Liége. Under the management of Bernard the assembly presented an extraordinary appearance of splendour both as to numbers and display.[z]

Synod of Liége.

Homage of Lothar.

On the day of the opening, as soon as the approach of the Pope was announced, the Emperor and the great men of his court rode forth to meet him. The Emperor dismounted, humbly took in hand the bridle of the white palfrey of the Pope, and conducted

[x] Conf. Book xi. c. 7, p. 672 et sqq. Prior to consecration; so that consecration, preceding investiture, should not impart a vested right to the temporalities.

[y] Nowadays few political casuists would scruple to hold that so treasonable a renunciation of the constitutional rights of the crown might, as soon as the pernicious consequences become apparent, be treated as a nullity.

[z] Thirty-two archbishops and bishops, fifty-three abbots and priors, innumerable clergy, and many laymen of the highest distinction, attended the synod.

him to the quarters prepared for him. On the following day Innocent placed the crown of empire upon the head of the obedient son of the church, and completed the day's work by a solemn republication of the curse upon the head of his rival and his adherents. This agreeable state of things was, however, soon disturbed by the unseasonable request of Lothar to be relieved from the inconvenient renunciations he had submitted to at his election, and to be reinstated in the privileges warranted to the crown by the treaty of Worms. The thing, however, was not to be thought of. The pontiff, the clergy, and, above them all, abbot Bernard, turned a deaf ear to the pathetic pleadings of the Emperor and his advocates. The request was peremptorily rejected, and the feeble prince was doomed to see the only really intelligible and operative stipulations of the treaty set aside by a side-wind of sacerdotal craft, within the short period of nine years from the date of its enactment.[a]

His imprudent request.

The character of the age in which he lived is reflected, as in a mirror, in the career of Bernard, abbot of Clairvaux; while, on the other hand, the brightness of the reflection gave life and colour to the objects it shone upon. Born of a noble family, educated by a pious mother, and devoted from his infancy to the profession to which she had destined him, he became the brightest representative of the Christian theosophy which the world had brought forth since the last of the four great doctors, Jerome, Augustine, Ambrose, and Gregory, whom the Latin churches have regarded as inspired teachers.[b] Fervour, piety, and eloquence frequently of the noblest character; dogmatism and superstition in their most ordinary form; persecution and intolerance in their essential though not with those odious features which his principles directly encouraged;—all these qualities, softened down and ad-

Bernard, abbot of Clairvaux.

Character of Bernard.

[a] See *Raumer*, Hohenst. i. p. 347, and the authorities there quoted.

[b] St. Bernard closes the canon of the patristic writers; and it is curious that his works rise above them all in some of the brightest, if not the broadest, views of Christian perfection.

orned by substantial purity of purpose, and an unmistakable hungering and thirsting after righteousness, brought him into harmony with, while their brilliancy raised him high above, the spiritual, if not the intellectual level of the age in which he lived. Nature had endowed him with a fervid imagination, and a power of speech of which he did not believe himself possessed, until its marvellous effects upon the world around him appeared even to himself to denote a higher influence operating in him than could be ascribed to mere human eloquence. Without reference to ulterior views or objects, he had framed for himself an idea of Christian perfection consisting mainly in an absolute renunciation of every pleasure, comfort, or convenience of life, even of those essential to health and personal cleanliness, and an unreasoning devotion of all the faculties of body and mind to the service of that church out of which he could see no home for himself in this world, and no hope of happiness thereafter. With a mind too candid to be absolutely blind to the distinction between form and substance in religion, he adhered to the traditional formularies of doctrinal discipline as an unerring rule of life, and the unvarying themes of his public and private instruction.

Retiring with thirty companions or converts to a deserted and dilapidated building at Clairvaux,[b] he and his friends devoted themselves to poverty, silence, and religious exercises, himself setting the most forcible example of ascetic practice. He took little sleep, lived upon the poorest and the most insipid food, wore a coarse and patched kirtle, with the secret discomfort of a rough hair-shirt next his skin. Proud of so distinguished an accession to his order, Stephen, the general of the Cistercian communities in France, raised Bernard to the dignity of abbot (A.D. 1115), though then only in his twenty-fifth year. Up to this time his reputation as a preacher had spread over half the Christian world; but already his health had suffered from ascetic practices, and incessant exertion in the chair and with his pen. He could no longer labour in the field

Labours and miracles of Bernard.

[b] Given to the Cistercian brotherhood by Hugh, count of Troyes, for Bernard and his companions. *Fleury*, H.E. xiv. p. 203.

with his brethren for their daily subsistence; but his voice in the chair was strong and sweet as ever, his delivery retained all its impressive solemnity and persuasive eloquence. He preached and wrote on great public occasions so clearly and so directly to the point, that his addresses and letters were looked for and hailed by princes and churches as the echo of inspiration. The world soon began to ascribe the impression he produced to a divine power, and to endow him with the gift of miracle. His disciples vied with each other in noting down and publishing abroad the wonders wrought by his hand or his prayers. He himself believed that this wonderful success was a direct manifestation of a superhuman blessing vouchsafed to his labours;[c] certainly he did nothing to discourage or correct, if he did not actually countenance, the thaumaturgic narratives of his enthusiastic disciples.[d] It can, however, excite no surprise in the minds of those at all acquainted with the spirit and temper of the age, that the career of Bernard should have been regarded as apostolic. In him they beheld a poor, powerless, infirm monk dictating to kings and popes: no external majesty, no mere physical advantage contributed to his success; in him the victory of the inner man, the impress of the spiritual idea, the holy intent, the power of the Word, was made manifest to great and small, by turns agitating or tranquillising the princes and nations of the world. A halo of unborrowed rays encircled his pale brow; and whenever a point of difficulty or doubt floated in the mind of prince or pontiff, Bernard was the chosen referee. And in fact, within a wide but still strictly defined circle of doctrine and discipline, Christendom could not produce a more upright and intelligent counsellor or judge. He was, within that circle, no stickler

Causes and effects of his popularity.

[c] *D. Bouq.* tom. xv. p. 598. His biographer, *Gaufrid*, complained that in their progress for the promotion of the crusade of 1148 his pen was worn to the stump and his hand weary with writing down all the miracles wrought by his master in proof of his holy mission. Persons born blind received their sight, the lame walked, the deaf heard, the dumb spoke. Twenty instances of similar miracles, he affirmed, occurred every day during the continuance of the mission. See Vit. S. Bernard, ap. *Baron.* an. 1146, § v. p. 659. See also the Eulog. S. Bern. ap. *Mascou.* lib. iv. p. 189; and conf. *Sism.* Hist. de Fr. iv. p. 313; *Raumer*, Hohenst. i. p. 523.

[d] His biographer and secretary, *Gaufrid*, wrote under his own eye a sort of daily journal of his progress.

for forms; he avoided all outward display in the services of his own church; he indulged in no harsh judgments on opinions or practices different from those he thought best, and conceded the utmost latitude of Christian liberty to all who did not overstep the rule and order of ecclesiastical doctrine and discipline as stereotyped in his own mind; but beyond that limit there was no extent of resistance from which his Christian charity would have shrunk.

Bernard on the papal prerogative.

In the creed of Bernard of Clairvaux there was no article more clearly defined or more inexorably maintained, than the official supremacy of the Roman pontiff. No opportunity was neglected to sustain and extend the pontifical prerogative.[e] "There is," said he, "no limit to the obedience due to the Holy See; for unto her is given, by a singular dispensation of divine Providence, a plenitude of power over all the churches of the universe. He that resists that power, therefore, resists the ordinance of God." Gregory VII. had not proclaimed the absolutism of the pontifical government more clearly or dogmatically. The only distinction between the two theories consisted in the assimilation, more familiar to the age of Bernard than his predecessor, of the ecclesiastical to the feudal constitution. As the feudal sovereign created princes and barons of his empire; exalted, degraded, transferred, or deposed them; so the spiritual sovereign made patriarchs, metropolitans, bishops, and dignitaries, raised or degraded them as might best suit the requirements of the church or the policy of his government. As the secular prince was entitled on all occasions to summon his barons and lieges to his court, his councils, and his wars, so also the spiritual monarch might summon the office-bearers of his realm at all times, without delay or excuse, to attend his councils, and to receive his commands for their warfare with the powers of darkness; though with the difference that, in the latter case, the powers claimed were limited by no law, and were coextensive with the habit-

[e] See his panegyrical description of the powers of the Holy See in his *Epist.* ad Mediolanos, ap. *Baron.* an. 1134, § 9, p. 504.

able globe. In the works of Bernard there are few traces of a spirit of historical research: he was consequently as much the slave of decretal formulæ and fable as the most incurious and ignorant of his predecessors.

Such were the dispositions and qualifications of the champion who now placed himself at the head of the pontifical host, in the great contest between the rival popes, Anacletus and Innocent. The emperor Lothar, though crowned by a pope, was still only emperor-elect. Consistently with ancient usage and national prepossession, the crown of empire could not be legally conferred any where but in the capital city of the empire. And thither Lothar hastened to complete his inchoate title, and, if possible, to make good his claims upon his nominal kingdom of Italy. At this point of time, pope Anacletus was supported by the forces of Roger of Sicily, upon whom he had conferred the title of king. The weaker Norman principalities of Capua and Avellino were sacrificed to this powerful ally; the lesser barons of Campania and Apulia submitted to the new king; the citizens of Beneventum surrendered to the conqueror, and the last territorial hold of the Innocentians in Southern Italy was lost. The state of Germany was so little settled, that Lothar and his patron could muster no greater force than two thousand men-at-arms to cover the advance to Rome. Innocent had taken up his residence at Pisa, and some time was lost in the joint efforts of the emperor and pope to compose the differences between the rival republics of Pisa and Genoa. The pontiff, however, so far succeeded as to obtain the assistance of a powerful squadron of ships from the Pisans to cover his maritime flank, and to convey the needful supplies for the army. By the treasonable connivance of Theobald, the prefect of the city, the emperor and pontiff were admitted within the walls of Rome: the former taking up a strong position on the Aventine hill, covered by the Pisan fleet; the latter settling himself and his scanty followers in the church and palace of the Lateran;[f] the rest of

Coronation expedition of the emperor Lothar.

Irregularities of the coronation.

[f] 30th March 1133.

the city, including the castle of St. Angelo, the church of St. Peter, and the remaining quarters, continuing in the undisturbed possession of Anacletus and his supporters. Thus the holy precinct—the holy of holies of the Roman church—was inaccessible, and Lothar was reduced to the mortifying necessity of receiving the imperial crown out of the presence and beyond the warranty of the sacred body of Peter, and without those ceremonies which had been hitherto regarded as essential forms. The coronation was hastily performed in the church of the Lateran, and was, it seems, treated by the Pope as an act of his own mere volition; the Emperor acknowledging himself the vassal of the Pope, and doing homage to him as his liege lord.[g] Whether offended by the insulting inscription in which Innocent thought proper to record the act, or thinking a compromise between the rival pontiffs was on the cards, the Emperor incautiously gave ear to a proposal to that effect from pope Anacletus. But inasmuch as it had been one of the first acts of Innocent, after he was out of the reach of his adversary, to consign him to perdition with all the forms of the greater excommunication, no terms but unconditional surrender could now be listened to,[h] and the Innocentians soothed their disappointment by fastening a charge of perfidy upon their opponents, on grounds not wholly intelligible to us.[i]

Subserviency of Lothar.

The feeble Emperor, however, adopted their views; he proclaimed himself the official patron and protector of the Holy See; he took to himself the credit of having acted as an impartial judge in the cause, and foiled the faithless cunning of the schismatics.[j]

[g] An inscription, in conspicuous characters, is said to have been carved on the walls of the Lateran, in the following terms:

"Rex venit ante fores, jurans prius urbis honores:
Post homo fit Papæ, sumit quo dante coronam."

Ciacone, in Vit. Inn. II. i. 974. *Bar.* an. 1133, § 1, p. 485. Conf. *Raumer*, Hohenst. i. p. 350.

[h] *Amalric.* Vit. Inn. II. ap. *Murat.* v. p. 367. *Card. Aragon.* Vit. Inn. II. ibid. vol. iii. p. 435. *Falco*, Benev. Chron. ibid. v. p. 115. *Annal. Hildesh.* an. 1133, ap. *Pertz.* iii. p. 115. *Anselm.* Contin. Chron. Sigebert. an. 1133, ibid. vi. p. 384. *Raumer*, quoting *D'Achery*, Spicil. iii. p. 485.

[i] Probably with a view to throw back upon their adversaries the obloquy of rejecting an apparently sincere attempt to restore the peace of the church.

[j] *Pagi*, ad *Bar.* an. 1133, p. 488, from *D'Achery*, Spicilegium.

Though himself unassailable in his position on the Aventine, Lothar found that of his adversaries equally inaccessible to his small force. Provisions began to fail; and every chance of settling pope Innocent in Rome, or rendering assistance to the suppliant Beneventines, having vanished, he reëmbarked his troops on board the Pisan galleys, and, in company with the Pope, returned to Pisa in safety.[k] Here the depressed spirits of emperor and pontiff were cheered by the presence of abbot Bernard. He congratulated the citizens of Pisa upon their devoted loyalty to the cause of the Pope, and consoled them for the failure of the late expedition to Rome by pointing out to them the manifest hand of Providence in enabling them to accomplish so much with such inconsiderable means.[l] The clergy and laity of Pisa repaid the compliment by the display of unbounded devotion to the "man of God:" they besieged the gates of his convent; they brought their beds and laid them down at his door to snatch a moment of repose, so they might catch a glimpse of the emaciated countenance of the saint as he went forth to church or council.[m] A great synod was held, and the anathema against Anacletus and his adherents republished. The Milanese, carried away by the universal fascination, sent for Bernard to reconcile their church with the pontiff; the refractory archbishop Anselm was driven out of the city, and the populace without further hesitation acknowledged Innocent II. as the true pope, and transferred their allegiance from king Conrad of Hohenstauffen to the emperor Lothar.[n]

Retreat of Emperor and Pope from Rome.

Abbot Bernard in Pisa.

Synod, and anathema against Anacletus, &c.

Notwithstanding Bernard's successes in Northern Italy, it was obvious to all men that the expedition to

[k] *Falco*, Benev. Chron. an. 1133.

[l] *Bern.* Epp. 139 and 130, ap. *Baron.* an. 1133, pp. 492, 485.

[m] *Baron.* an. 1134, § 1, p. 496.

[n] Unfortunately for them the prelates and abbots who attended the council at Pisa were kidnapped on their return home by the bands of marauders turned loose upon the highways by the frequent civil broils of the Lombard cities. Stripped of all their valuables, wounded, ill-treated, or put to ransom, they returned home in sorry plight, to warn their countrymen of the dangers of a spiritual campaign in Italy.

Rome was a failure. As long as Roger of Sicily continued to support Anacletus, the reinstatement of Innocent was hopeless. The whole soul of the holy abbot was therefore bent upon accomplishing the downfall or the humiliation of the Sicilian prince; and for that purpose he strove by every resource of his eloquent pen to engage the conscience and the passions of the Emperor and his subjects for the recovery of the invaded provinces. Christian charity was his theme, battle and bloodshed his object. "It was not for him," he said, "to stimulate human passions, but to arouse men to a sense of duty; was it not then," he asked, "the plain duty of the Emperor, the sworn advocate and protector of the church, to arrest the inroads of heretics and schismatics, and by the same act to vindicate the rights of his crown against the Sicilian usurper? Was it not a disgrace and an insult to the church that the brood of a Jew should occupy the chair of Peter? Or was it less a derogation of the imperial dignity that an unlicensed intruder should proclaim himself king within the circle of the imperial dominion?" Upon the ambitious and piratical Pisans he spared no amount of flattery to keep them faithful to the cause; a task of no great difficulty as long as the coasts of Southern Italy were open to spoliation and plunder.[o] Meanwhile the aspect of affairs in that quarter looked darker than ever. Naples was strictly blockaded by Roger; famine was raging within the walls of the city; duke Robert of Capua clamoured loudly for aid to save the faithful republic from ruin. But for all this there was no one to help but the emperor Lothar. Tardily, though not as yet too late, the voice of the prophet prevailed. Towards the close of the year 1136 the Emperor was enabled to take the field with a force to which it was believed neither the king of Sicily nor his client could oppose effectual resistance. After some detention in Lombardy, the army advanced, in two columns, by the several routes of Ravenna and Florence; the first column, under the command of the Emperor, towards the frontier of

Bernard undertakes the restoration of pope Innocent.

[o] *Baron.* an. 1135, Ep. *Bern.* no. 140, 129, § 15 and 16.

Apulia; the second, under Henry the Proud, duke of Bavaria, directly towards Rome.

Lothar's second expedition into Italy.

At Grassato the duke of Bavaria was joined by pope Innocent and his patron Bernard. Viterbo and Sutri were put to ransom, and the column, wheeling to the left, formed a junction with that of the Emperor, postponing thus the attack upon Rome to the humiliation of the more formidable adversary. The latter, wisely renouncing opposition in the field, contented himself with throwing garrisons into his principal places, and retreating before the imperial host. Robert of Capua was speedily restored to his dominions, and with him went Bernard to preach repentance to the obdurate schismatics of the principality. Count Rainulph of Avellino was in like manner reinstated; Beneventum was recovered, and the whole of the Apulian territory, as far south as Bari and Tarentum, reduced to submission.[p] Nothing now remained to complete the conquest but the reduction of Amalfi and Salerno, the strongest of the fortresses still garrisoned by the troops of Roger. The former place surrendered after a short siege; Salerno held out till the citizens, reduced by famine and disease, and blockaded at sea by the Pisan fleet, sent secret emissaries to the Pope to treat for a surrender to him, with a view to escape falling into the hands of the piratical Pisans, to whom the plunder of the city was at least of equal importance with the triumph of the papal cause. The city was accordingly taken possession of by the pontifical troops, and the lives and property of the citizens saved. The indignant allies were with difficulty, and it is supposed not without some equivalent in money, persuaded to relinquish their resolution of deserting the land army and returning home. For the moment, however, their indispensable services were secured, and Pope and Emperor turned their attention to arrangements of importance which the state of affairs now imperatively called for.[q]

The reduction of the revolted provinces opened the

[p] *Falco*, Benev. ap. *Mur.* v. p. 120. *Pet. Diac.* Chron. M. Cas. lib. iv. cc. 104, 105, ibid. iv. p. 560, et sqq. *Landulph jun.* Hist. Mediolan. c. 43, ibid. v. p. 517. Conf. *Raumer*, Hohenst. i. p. 380.

[q] *Falco*, Benev. ubi sup. p. 121 et sqq. *Pet. Diac.* Chron. M. Cas. an. 1136, ubi sup. pp. 556-560.

Dissensions between Pope and Emperor.

question in whom the right of nominating the new duke was vested. It was not denied that those provinces were part and parcel of the holy Roman empire. On the other hand, it was equally clear that they had never been permanently reduced into possession by the emperors, and that the pontiffs of Rome had for some time past acted as the superiors, and treated them as feudal dependencies of the Holy See. At this moment it was not convenient to raise the question, and Rainulph of Avellino was enfeoffed and installed as duke of Apulia by the joint act of the Emperor and the Pope.[r] The campaign in Southern Italy closed with a visit of Emperor and Pope in company to the abbey of Monte Casino. Here the causes of secret dissatisfaction which had been for some time past fermenting in the mind of Lothar came to a head. He had no mind that the whole profit of the expensive and arduous campaign should be appropriated by his spiritual ally; while the latter, in accordance with the traditional policy of the Holy See, admitted none but a spiritual reciprocity of advantage.

Monte Casino.

The wealthy and powerful abbey of Monte Casino had become vacant, and a contested election among the brotherhood afforded Lothar an opportunity of stealing a march upon the Pope. After hearing the parties on both sides with an appearance of impartiality, he decided against the candidate elected by the majority; he nominated his aged friend, Guibert, abbot of Stavelo,[s] to be the new abbot, and gave him investiture of the temporalities of that splendid principality. This proceeding involved the two questions, of the general right of investiture, and of the validity of the renunciation by the Emperor of the benefit of the treaty of Worms. Innocent protested loudly, and upon the grounds of ancient practice and possession, against this arbitrary act of imperial authority; he annulled the election, and threatened the contumacious monks with the privation of their elective rights. The Emperor, however, had felt

The Emperor appoints a new abbot, and the Pope yields the point.

[r] *Falco*, Benev. ubi sup. Conf. *Giannone*, Stor. di Napoli, book xi.

[s] An abbey in Luxemberg, diocese of Liége.

his ground, and, for the first time in his life, ventured to appear and speak as master of the position. He signified to the Pope, without reserve, that unless he acquiesced in the election, he must from that time forward make up his mind to an absolute and permanent secession of the empire from the pontificate.[t] This inconvenient intimation convinced the papal party that further opposition would have the effect of abandoning them to their enemies; and Guibert was accordingly confirmed in the abbacy, and consecrated by the Pope.

This ostentatious campaign was thus brought to a close. Innocent established himself in those parts of the city of Rome which had hitherto been held for him by his partisans; and the Emperor retreated, as the summer advanced, with a view to escape the malignant influence of the southern climate upon his followers. But, before he reached the plains of Bavaria, his career was cut short by fever.[u]

Retreat and death of the emperor Lothar.

After the departure of the Germans, king Roger met with little difficulty in recovering Salerno, Naples, Capua, and a great portion of the duchy of Apulia; but in his turn suffered a serious defeat from the arms of duke Rainulph, and the associated cities and barons of Apulia and Calabria. Bernard was at this moment at the elbow of pope Innocent, and, probably at his suggestion, it was proposed to the humbled prince to discuss in his presence the title and the merits of the rival pontiffs. The proposition was adopted. Bernard stepped forth as the champion of the Pope, wisely restricting himself to the single argument to be drawn from the universal recognition of his client. Throwing overboard privilege, election laws, and canons, the fervid advocate dwelt exclusively on the notorious unanimity of Christendom; "and so," he said, "it must ever be; for there can be but one faith, one ark

Bernard defends the title of pope Innocent II. before Roger king of Sicily.

[t] *Pet. Diac.* Chron. M. Cas. lib. iv. c. 117-125, ap. *Murat.* iv. pp. 591-597. "Imperium ab illo die et deinceps scissum a pontificio omnimodis sciret."

[u] His retreat was slow. He died at Breitenwang in the Tyrol, in the month of November 1167, at the age of sixty-two years. *Raumer*, Hohenst. vol. i. p. 384, and note (3).

of the covenant: yet here behold two faiths, two arks! One must perish: if that of Peter the son of Leo float triumphant, the ark of Peter the apostle, in which the churches of the East and West—in which France and Germany, Spain and England—are embarked, must be drawn into the whirlpool of perdition: all the men of God who serve him night and day in the monasteries, with the whole company of bishops, abbots, and princes of the church, must sink into the pit of hell, in order that, of all the princes of the world, Roger of Sicily might alone escape the universal wreck."[v]

Adjournment of the discussion.

The discussion on both sides continued for the space of eight days; at the close Roger requested time to examine more at his leisure the arguments on both sides, many of which, he humbly confessed, were not altogether intelligible to his limited understanding. This modest request—intended probably to meet the chapter of accidents—was acceded to, and the discussion was adjourned to Sicily, to afford the king the benefit of the advice and assistance of his native bishops and clergy.

Death of Anacletus II.

Meanwhile pope Anacletus II. had died in peace at Rome, in the enjoyment of all the prerogatives and powers of the papacy as far as his influence extended.[w] His friends, among whom we may reckon Falco the annalist of Beneventum, and Peter the deacon of Monte Casino, afford us but few glimpses of his personal character, or that of his administration; while his enemies—and among these principally abbot Bernard—furnish him with a passport to the realms of Satan in the amplest terms of sacerdotal diplomacy. The holy man of Clairvaux celebrated the certain damnation of his adversary with boundless exultation. "The rotten branch," he exclaimed, "is cut away; the putrid limb is severed; the evil one that caused Israel to sin is swallowed up in death, and hath fulfilled his compact with hell!"[x] Yet the qualities, whatever they were, which called forth these bitter invectives,

[v] Vit. S. Bern. ap. *Baron.* an. 1137, § 30.

[w] *Falco*, Benev. Chron. an. 1137, ubi sup. p. 125.

[x] *Bern.* Ep. 147, ad Petrum Cluniacensem.

were probably those which commanded the respect and attachment of the nobility and people of Rome for a period of nearly eight years, and sufficed, on two critical occasions, to scare away the imperial eagle from their walls.

The death of Anacletus materially changed the position of king Roger. The Anacletian party in Rome had, it is true, lost no time in filling the chair, by electing the cardinal-priest Gregory, and installing him by the name of Victor IV.,[y] with the ostensible assent of the king of Sicily. But circumstances no longer enabled the latter to lend that assistance to his friends in Rome which was requisite to keep up their flagging spirits, while on the other hand he had good reason to doubt whether any active, and of course costly, assistance might not be thrown away against the ever-increasing influence of the Innocentians in the city. Bernard availed himself of this suspension of political activity with extraordinary dexterity. A bargain was speedily struck with the opposition; Victor IV. quietly disrobed himself and retired into private life; the schismatic cardinals and clergy were received back into the bosom of the church without diminution of estate, honours, or dignities, and swore the usual oaths of fidelity to the successful pontiff. A malicious suggestion, it is true, got abroad that this perfect impunity for the past was not the only consideration that passed: large sums of money are said to have found their way from the papal coffers into the hands of the Anacletian party. And, in truth, the absence of all inquiry, and the profound silence with which this revolution was effected, are ominously symptomatic of the opiate which experience had proved to be most efficacious in soothing the sensitive nerves of the Romans.[z]

Election of Victor IV.

Abdication of Victor, and reconciliation with Innocent.

Bernard, to whom the principal merit in this transaction must be conceded, tarried in Rome no longer than was necessary to complete the

Great Council of the Lateran.

[y] *Ciacone*, i. p. 1010.

[z] *Pet. Diac.* Chron. M. Cas lib. iv. c. 30, p. 602. Conf. *Baron.* an. 1137; and the defence of Muratori in his note upon the offensive passage in the Chronicle of Monte Casino.

reconciliation of the schismatics. Exulting in the work of his hands, the saint returned to his retirement, carrying with him a choice collection of relics from the bodies of the apostles and martyrs entombed in the several shrines of the holy city.[a] Innocent applied himself diligently to the settlement of the terms of communion with the reunited church. At a general council held in the Lateran church on the 20th of April 1139, he authoritatively pronounced that, "inasmuch as Rome is the metropolis of the world, from which all earthly power flows, so likewise the pontifical throne is the source of all ecclesiastical authority and dignity; so that every such office or dignity is to be received at the hands of the Roman pontiff *as a feoff of the Holy See; without which enfeoffment* no such office can be lawfully exercised or enjoyed."

The temporal and spiritual estate of the church declared to be feoffs of the Holy See.

When, notwithstanding the prudent ambiguity of the wording, we connect this ordinance with the solemn reënactment of the prohibition of lay investiture, there can be no doubt that it was intended to embrace the whole status of the clergy, both spiritual and temporal, and to operate as a revocation of the privileges secured to the imperial crown by the treaty of Worms. It in fact amounted to a transfer of the temporalities together with the spiritual powers of the clergy into the hands of the Pope, in the same sense and to the same extent as the right enjoyed by the sovereign in dealing with offices of the state. After this the council denounced the wived clergy, enjoined the observance of the truce of God, and reiterated the condemnation of lay investiture. The proceedings closed with a formal anathema upon the "political heresy" of Arnold of Brescia, the leader of that memorable, but premature, struggle for religious liberty which streaked the close of the twelfth and the

[a] Among the rest, a tooth of St. Cæsarius, upon which the holy man had set his heart. But every attempt by force to extract it from the jawbone had failed; the tooth would not budge, and it was obvious the holy martyr would not part with his tooth. "Well," said Bernard, "let us ask him for it civilly, and see what he will say." No sooner said than done,—the request of the living saint prevailed with the deceased, and lo! two of the teeth jumped out of their sockets into the lap of Bernard. *Baron.* an. 1138, § 7, p. 569.

earlier years of the thirteenth century with the bloody hand of persecution and murder.[b]

While the council was sitting, or shortly after the close, duke Rainulph of Apulia died;[c] and Innocent found himself bereft of his best friend and protector. Roger was not slow to avail himself of the death of his most formidable opponent. He landed with a powerful army at Salerno on the 7th May in the same year; and nearly the whole of Apulia and Campania submitted quietly to his government. Beneventum alone remained to the Pope. In his anxiety to arrest the progress of the Norman, he loitered in that city till his retreat was cut off, and he himself fell a helpless captive into the hands of his enemy. He was, however, treated by his captor with all outward courtesy. Roger humbly performed all the duties of a vassal to his suzerain, and demanded, in return, to be admitted to do homage for, and be confirmed in possession of the conquered principalities. Innocent had no alternative but to comply with the king's demands. Roger accordingly was solemnly invested with the dignity of king of Sicily, with all royal powers, office, and dignity. The duchy of Apulia was in like form conferred upon his eldest son William, and a second son invested with the principality of Capua. Every ally was abandoned, and every connexion sacrificed that stood in the way of a thorough understanding and alliance between the Pope and the King. Beneventum was, however, saved; and Roger strove to establish himself in the favour of the Pope by all those obsequious attentions which might tend to obliterate the recollection of past enmity, and mitigate the mortification he had inflicted upon his haughty superior.[d]

King Roger again invades and conquers Apulia, &c.

Innocent the prisoner of Roger.

Accommodation.

[b] Conc. *Hard.* tom. vi. pp. 1207-1216. See particularly canons vii. xii. xvii. and xviii. Conf. *Baron.* an. 1139, § 8, p. 533; *Art de Vér. &c.* p. 189.

[c] Some time in April 1169.

[d] The Pope became a prisoner on the 10th of July. The peace was concluded on the 24th of the same month. *Otto Freising.* Chron. lib. vii. p. 24, ad fin. *Falco*, Benev. ubi sup. p. 127. The deed of infeudation is set out by Baronius, an. 1139, § 13, p. 587. It is in the same form as the prior infeudations of Robert Guiscard, Roger I., and Ro-

State of Rome.

The unfortunate issue of the late campaign excited great indignation in Rome. The Pope was urged on all hands to repudiate the treaty of Beneventum, on the ground that it had been extorted by force. But on this point Innocent was immovable. A civil war, which had for some time past disturbed the public peace, however, appears for the moment to have relieved the Pope from these importunities. The ancient feud between the Romans and the Tiburtines had broken out afresh; the former had suffered a shameful defeat in the field, and at their solicitation Innocent placed himself at the head of a strong body of the city militia, and blockaded Tibur (Tivoli) so closely that the citizens were compelled to treat for a surrender. The vindictive Romans insisted that no terms short of the demolition of the town and the expatriation of the inhabitants should be accepted. Innocent humanely resisted the demand; and in the result found himself, by one of those sudden revolutions so common in Rome, deprived of all political power, his government overthrown, and the ancient republican forms tumultuously reëstablished. The causes of this revolution, however, are connected with circumstances to be hereafter adverted to.[e]

The papal government overthrown.

Pontifical theory of the severance of church and state.

The closing years of the pontificate of Innocent II. throw considerable light upon the policy of the court of Rome, as it had been elaborated subsequently to the reign of Gregory VII. With each successive pontificate, the real drift of the war against investitures had become more and more apparent. The temporalities of the ecclesiastical state, which up to that period had been regarded as equally contributory to, and chargeable with, all the duties attached to landed estate, and therefore transferable by the hand of the lay prince, were no longer to retain their pri-

ger II. (by pope Honorius II.). The grant purports to be made "ad decorem et utilitatem S. Dei ecclesiæ," and upon the service of homage and the annual payment of 600 sequins.

[e] *Bar.* an. 1141, § 1. p. 610, and extract from *Otto* of Freisingen, Chron. lib. vii. c. 27.

mitive character. Repudiating, even in theory, the severance of the "outward body of the church" from its spiritual substance,[f] both were to be devoted to the single duty of defending and promoting the power and grandeur of the sacerdotal empire and its sovereign. Adopting the analogy of the relation subsisting between the temporal monarch and his vassals, it was now contended that all ecclesiastical estates should be regarded as feoffs of the Holy See, and become transferable solely by the hand of the Pope, as monarch of the church. How far the views of Bernard, as it regarded the absolute severance of church and state, may have fallen in with the pontifical theory, may perhaps be best judged of by events which occurred in France in 1139 and the following years.

Illustrative transactions in France. Case of the see of Bourges.

The archbishop of Bordeaux had, with the assent, and probably by the advice, of Bernard, appointed and consecrated a bishop to the vacant see of Chartres, without waiting for the royal license. This appointment was soon afterwards adopted and confirmed by the Pope. Again, in the year 1139, in consequence of a disputed election to the metropolitan see of Bourges, one party in the chapter appealed to the King to decide their differences, while their opponents referred their cause to the Pope. The King appointed and inducted a certain Caducius to the see, in conformity with the custom of the realm in like cases. The Pope, however, without notice either to King or chapter, with his own hand consecrated Peter de la Châtres to the archbishopric of Bourges, and sent him into France to be inducted as the pontifical feoffee of the see and its temporalities. By the same instrument pope Innocent cancelled the election of Caducius, and deprived him of all ecclesiastical office or emolument. Louis VII., enraged by this presumed infraction of the rights of his crown, drove Peter out of Bourges, and compelled him to take refuge at the court of Theobald earl of Champagne, the patron and friend of the abbot of Clairvaux.[g]

It appears that Ralph earl of Vermandois had mar-

[f] As it were, the separation of body and soul.

[g] *Chron. Mauriacens.* ap. *Pagi*, ad *Bar.* an. 1139, p. 611.

Affair of Theobald of Champagne.

ried a sister of this Theobald, but that, at the instance of Louis VII., he had divorced his wife, upon the ordinary plea of consanguinity, in order to marry Petronilla, sister of Louis's queen Eleonora. Bernard denounced this proceeding as a flagrant offence against the church, and an intolerable insult to his friend. The Pope, for this and preceding delinquencies, visited the kingdom with an interdict, and specially excommunicated Ralph of Vermandois and the three bishops of Laon, Noyon, and Senlis, who had helped him to his divorce. Louis thereupon swore a great oath that Peter de la Châtres should never be archbishop of Bourges, and avenged the share taken by Theobald of Champagne in these insults to his crown and invasion of his prerogative by carrying fire and sword into the territories of the earl, in the course of which the town of Vitry-sur-Marne was taken by storm, and more than 1300 of the inhabitants, men, women, and children, who had taken refuge in the great church, perished in the flames of the building.[h]

Peter of Clugny on the royal and pontifical status.

Struck with remorse for this dreadful sacrifice of human life to his unbridled passion, the King applied to Theobald to procure from the Pope a dispensation from the oath he had sworn never to admit Peter to the see of Bourges, and to absolve Ralph of Vermandois from the spiritual censures he had incurred. At the suggestion of Bernard, Theobald readily undertook to procure from the Pope the required release; and Bernard, the zealous promoter of peace and goodwill when reconcilable with the interests of the church, wrote a moving letter of supplication and apology to the Pope on behalf of Louis of France. In the same spirit, and with the like intent, abbot Peter of Clugny addressed Innocent, covering the real weakness of his case by the largest acknowledgments of the pontifical prerogative. "It was true," he said, "that kings reigned in virtue of the divine right of the pontiff; that their right to their crowns is derived from the church; that they are bound to give a strict account to the Pope of their private and personal, as much as of their public

[h] *Sigeb. Chron.* contin. an. 1142. *Chron. Mauriacens.* ubi sup.

conduct; it was not, therefore, to defend, but simply to suggest excuses for the late acts of the King, that he interceded;—that he begged for mercy rather than justice; and *that* not so much because he was king, as that he was the creature of his (the pope's) hand; for had he not in person raised him to that high eminence by administering the holy unction, which qualified and consecrated him thereunto? by which act he had seated him on the throne, and assigned him to the people of France as their king." Notwithstanding these considerations, he concluded his address by a hint that the affair, as it stood, was of a delicate nature, and unless dealt with in a conciliatory spirit, might lead to serious consequences to the peace of the church.[i]

Bernard's compromise in the case of Ralph of Vermandois.

The Pope, however, turned a deaf ear to both his reverend suppliants; and Theobald, to his great consternation, found himself unable to fulfil his compact with the King. In this dilemma, it was proposed by Bernard that the Pope should be applied to for a grant of an *ad interim* absolution, which it might afterwards be an easy matter for him to revoke upon a proper occasion; so that thus Theobald might be enabled to redeem his engagement, and Ralph of Vermandois might not escape the punishment due to his crime. "For," said this singular saint, "he is the real author of all the mischief that has happened; count Theobald is the innocent victim; he acted under the orders of holy men" (doubtless of Bernard himself; perhaps likewise of Peter of Clugny); "for," said they, "*it will be, after all, an easy matter for the Pope to remove, and afterwards to revive, the sentence, as he may see fit;* thus craft may be encountered by craft, and he that glorieth in his malice, and is mighty in his iniquity, may still take no advantage by his cunning."[j]

Plot to entrap the King.

This treacherous proposal was, it seems, embraced by the Pope. But information of the plot had, by some means, reached the ear of the King; and the contrivers were informed that Theobald of

[i] Ep. *Pet. Cluniac.* ap. *Baron.* an. 1142, § 5, p. 616.

[j] Ep. *Bern.* ad Inn. II. no. 217, ap. *D. Bouq.* xv. p. 584.

Champagne must take the terrible consequences of the revival of the excommunication. Bernard protested loudly against this commonplace view of the transaction. He told the King, that by the removal of the excommunication Theobald would have fulfilled his promise; that he had nothing to do with a proceeding necessary to the ends of justice: Theobald had taken no part in that proceeding, nor could he by any means prevent the infliction of a penalty, righteously incurred by the very violence by which the promise was extorted.[k] The King, however, declined to be a party to the juggle attempted to be practised upon his friend and brother-in-law, the earl of Vermandois, and the war in Champagne was renewed with vigour and success. There were now no fewer than four vacancies in the church of France. Besides the metropolitan see of Bourges, that of Rheims and the sees of Chalon and Paris had become vacant. Meanwhile the revenues of these important prelacies flowed into the royal coffers, or were administered by the grantees of the crown for their own profit. In vain Bernard lifted up his voice against these abominations.

Death of Innocent II.

The life of pope Innocent II. was ebbing away amid the turmoil of popular revolution, and on the 24th of Sept. 1143 this able pontiff breathed his last. The day after his decease, Guido di Castello, cardinal-priest, by the title of St. Mark, was chosen pope, under the name of Cœlestine II.[l]

Cœlestine II. pope.

The position of the new pope was critical. The city of Rome was in a state of revolution; the temporal power of the pontiff was disowned; consuls, prætors, and other officers of state, in imitation of the forms of the ancient commonwealth, were elected; no help was at hand from any quarter, and Cœlestine lost no time in meeting the conciliatory overtures of Bernard and the friends of peace in France. The interdict was promptly dissolved by the Pope; and Bernard, to whom, it is but just to say, the cause of peace was worth

Accommodation with France.

[k] Ep. *Bern.* no. 220, ubi sup.

[l] A revival of the pontifical appellative assumed for a day by Theobald of St. Anastasius, the rival of Honorius II. See p. 2 of this chapter.

almost any sacrifice to obtain it, strove by word and deed to bring about a reconciliation between the King and his friend earl Theobald. Burying all animosities and delinquencies in oblivion, he claimed the support of the bishops and clergy for the accomplishment of the good work.[m] A few months afterwards, the terms of peace were settled at a synod held at the abbey of St. Denys, in the presence of the king and the great vassals of the crown.[n] Without attempting to strike a balance between the moral debits and credits of abbot Bernard in these complicated and perplexing transactions, it may be assumed, without danger of error, that his motives were conscientious, his acts generally upright, and his abilities as a man of business superior to those of any statesman or churchman of his age. Though willing to descend to deceit for the accomplishment of a holy purpose, the motive which operated upon his mind was unexceptionable. The sophistical principle, that a little evil might be done for effecting a greater good, lay too much in the spirit of his age and profession to suggest any deterring scruples to his ardent mind.

[m] More especially those of the venerable Suger of St. Denys. Ep. 225, ap. *Pagi*, ubi sup.

[n] *Bern.* Ep. 358, ap. *D. Bouq.* xv. p. 593. *Chron. Turon.* ibid. xii. p. 473. *Rob. di Monte*, in app. ad Chron. Sigeberti, ibid. xiii. 331.

CHAPTER II.

BERNARD AGAINST THE SCHISMATICS.

Church and clergy of the twelfth century—Fermentation in the religious mind of the twelfth century—Dissent in France—"Followers of the Apostles"—Heresy of bishop Gilbert of Poitiers—Errors of Peter Abælard—Bernard against Abælard and Arnold of Brescia—Citation of Abælard—Condemnation of his writings by the Pope—Arnold of Brescia—Bernard against Arnold—Arnold at Zürich, assailed by Bernard—Arnold in Rome—Cœlestine II. and Lucius II. popes—Death of Lucius II.—Eugenius III. pope—he is driven out of Rome—Revolution and outrages in Rome—Restoration and second expulsion of Eugenius—Revival of the crusading mania—Bernard the prophet of the crusade—Disastrous issue, &c.—Bernard assailed as an impostor, &c. —his retort—Apology for Bernard—his conduct, how far censurable—his justification—Bernard against the Romans—his summons to the emperor Conrad—Pope Eugenius in France—Bernard in disgrace with the curia—Commission to Bernard to make *inquisition* into the heresy of the Henricians —Bernard an inquisitor and persecutor—he attempts to reform the curia —Inveterate corruption of the curia—The legatine commission—Bernard on the irregularities of the legates—Bernard "De Consideratione"—Death of Eugenius III.—Death of Bernard of Clairvaux—Death of Suger of St. Denys —Shifting of the scene.

Church and clergy of the twelfth century.

THERE are few periods in the history of the Latin church in which the voice of reform has not been heard. The protests of the malcontents had, however, been generally directed against the vices of the clergy, the avarice and impurity of the monastic orders, and certain articles of discipline which cut most deeply into the living flesh of society, and called forth a cry for mercy rather than a demand for reform. The triumph of the decretal scheme had drawn a sharp line of demarcation between the clergy and the laity. It had shut up the former within a hedgerow of forms, out of which they had no place in the world; and which left them no alternative but to drag all mankind within its limits, or to see them intruded upon and broken down by the uninitiated. Within the sacred precinct which they called the church lay the "kingdom of God;" beyond it, as far as the sacerdotal vision reached, all was included within

the "realm of Satan." The priests of God and the princes of the earth were respectively the representatives of the two kingdoms. Their natural position towards each other was that of open or covert warfare, interrupted only by precarious or as treacherous truces, the results rather of weariness, apprehension, superstitious fear, or vulgar intrigue, than of genuine sympathy or mutual trust. The literal character of a "church militant" was adopted by the priesthood of the Latin church; their success was now to depend upon strict subordination and unity of action—oneness of doctrine, discipline, and ritual, under one supreme head on earth. The most trivial departure from the formularies by which this unity was fenced around was watched with a feverish jealousy, and repressed or punished with unrelenting severity. Yet even within the enchanted circle there was still left a dangerous liberty of rebuke. No one exercised this liberty with greater freedom than he to whom the Latin church has assigned the honour of closing the sacred canon of apostolic tradition. Yet even he, the holy Bernard, trembled when he approached the limit of orthodox reform. Haunted at every step by the spectral form of schism, he anxiously retreated within the circle of rigid churchmanship, and in the utmost fervour of his denunciations of the vices of the clergy, would have started back with horror at the thought of exposing them to the correction of the outer world.

Fermentation in the religious mind of the twelfth century.

Yet a system of this exclusive character could not be so carefully watched that there should not be found some within the enclosure in whom the liberty of private judgment could not be extinguished by formalism though of the severest kind. These men had probed the wounds of the ecclesiastical body to the core, and had found at bottom the canker of vulgar ambition, love of power, wealth, and station, and had traced these evils to the absence of the check of public opinion and control. Towards the middle decade of the twelfth century a strange uneasiness, an ominous ground-swell of the religious mind, appeared simultaneously in several parts of Christendom. About the year

1116 a violent assault on the bulwarks of the church had been attempted by two obscure agitators. Peter de Bruys and his disciple Henri had preached with extraordinary success doctrines which struck at the root of traditional orthodoxy. They rejected infant baptism, repudiated the worship of the cross, denied the sacrifice of the mass, together with the whole eucharistic theory of the Latin church, and denounced prayers for the dead as supererogatory or useless. But that which struck deepest was the absolute denial of the existence of any outward and visible church, as separable and distinct from the invisible and spiritual kingdom of the Redeemer. The tenets of the enthusiasts spread far and wide throughout the kingdom of France. But the vigilance of the clergy pursued them from city to city, from town to town, and from village to village, with a ferocity which added fuel to the flame, while it contributed to produce many of those extravagancies which were afterwards imputed to them as crimes. The new heresy was familiarly ascribed to a revival of the Manichæan impieties, which were reported to be still lingering in Italy, and probably also in France.[a] The bold rejection of sacerdotal tradition drew upon them the boundless indignation of Bernard. Peter de Bruys fell a victim to his useless and imprudent outrages upon the objects of popular adoration. He was burnt at the stake at St. Gilles, in the Provence. Henri escaped into Languedoc, and spread the infection of his heresies in Toulouse and the neighbouring region. Thither, however, he was pursued with vigour by the letters and monitions of Bernard and Peter of Clugny. Yet here the new view of Christian truth and fellowship took root and flourished; but only time enough to give to its professors occasion, in the succeeding age, to bear testimony in blood and flame to the sincerity of their protest, no less than to their bitter hatred of their inhuman persecutors.[b]

[a] Manichæism, in the popular opinion, was an undefined congeries of errors of the most various kinds. The only charge against Peter and his disciple Henri, which bears any resemblance to Manichæism, was the imputed rejection of the Old Testament. The moral impurities objected to them run in the usual channel of sectarian slander. They may, or they may not, be true; but they cannot be taken on trust.

[b] Conf. *Vaisette*, Hist. de Languedoc, lib. xvii. pp. 443, 444.

About the same time a numerous sect, calling themselves "Followers of the Apostles," sprung up in the central provinces of France. These persons affirmed of their community that it was the "body of Christ," and maintained that by partaking of the eucharist as part of their daily meals they kept up a perpetual communion, and became one with Christ.[c] They professed inviolable chastity, and conformed outwardly to the ordinances of the church: in private they were accused of indulging in the most flagitious impurities. They are said to have rejected the Old, and to have received only the New Testament; they derided infant baptism and prayers for the dead; they renounced the invocation of saints, and ridiculed purgatorial purification, impiously affirming that as soon as the soul was released from the body, it went directly either to heaven or hell.[d]

Dissent in France of "Followers of the Apostles."

Bishop Gilbert of Poitiers was accused of a departure from the letter of established formularies, in respect of certain bold speculations upon the doctrine of the Trinity, which had presented themselves to his mind in the course of his studies as a professor of rhetoric and philosophy. Rather before his time the schools of divinity in France had produced a still more daring class of theorists, the most distinguished among whom was Peter Abælard, a native of Brittany. This person had achieved a European reputation as a teacher of logical formulæ in their application to the most important articles of theology. He had attracted disciples from every country, rather by the mystical and speculative character than by the profundity of his views.[e] The novelty of his exposition, the clearness and suavity of his delivery, and the earnestness of his address, drew around him a crowd of

Heresy of bishop Gilbert of Poitiers.

Errors of Peter Abælard.

[c] *Bar.* an. 1147, p. 12, ex *Bern.* Epp.

[d] This was, again, in the clerical view another offset of the great Manichæan family. The probability is, that these enthusiasts took upon themselves individually, as Christians, the sacerdotal office; and, in imitation of the practice of the primitive church, consecrated and partook of the eucharist at some stage of their daily meals; a usurpation which could not fail to draw down upon them the deadly resentment of the established priesthood.

[e] Otto bishop of Freisingen says of him, that he was "de acuto acutior, de literato literatior effectus."

scholars of both sexes. Encouraged by success, he boldly approached the doubtful boundary between traditional divinity and human reason. Bernard, the vigilant sentinel of the ecclesiastical frontier, sprung upon the truant with his accustomed alacrity. He detected errors in the lectures and writings of the incautious philosopher, and brought him without delay under the animadversions of the official warders. "His books," said he to pope Innocent II., "fly about the world; cities and towns are overshadowed with them; darkness is put for light; instead of honey—I should rather say mixed with honey—the poison-cup is administered to all comers: the mists of night spread from nation to nation; from this kingdom the gloom spreads itself over the neighbouring lands: a new gospel is preached; a new faith is announced; another foundation is laid than that which is preached: men dispute about morals without morality; about the solemn doctrines of the faith without the spirit of faith: even the arcana of the Holy Trinity are discussed without simplicity or sobriety: all things, in short, go awry, out of the accustomed tract, differing from that which is handed down: thus this Goliath, armed in full panoply, with giant step stalketh abroad, and before him his trusty squire Arnold of Brescia: scale overlappeth scale, till not a spiracle is left to breathe through: the wasp in France hath buzzed responsively to the hornet in Italy; and the insects now form a chorus against the Lord and his Anointed."[f]

Bernard against Abælard and Arnold of Brescia.

The saint, however, declined the bold challenge of Abælard to meet and discuss the controverted points in public. "He was," he declared, "a child in the subtleties of human reason: the faith was founded not on reason, but upon the immutable ground of established doctrine: to the bishops of the church, and not to him, it belonged to judge between him and his opponent." A synod was accordingly held at Sens in the presence of the King, and the several propositions objected to by

Citation of Abælard.

[f] No doubt, the Pope.—*Bern.* Ep. ap. *D. Bouq.* xv. p. 578, where the epistle is given in extenso. Conf. *Baron.* an. 1140, § 3, p. 595, and Concil. *Hard.* tom. vi. p. 1219.

Bernard in the writings of Abælard were condemned; but the latter declined all discussion of particular points: "for," said he, in his report to the Pope, "I told the fathers that the simple inspection of this man's writings must without more convict him of heresy; and now that he has appealed to the Holy See, I must submit to your holiness whether the successor of Peter is not bound to withhold the protection of the see of Peter from the enemy of the faith of Peter."[g]

Condemnation of the writings of Abælard by the Pope.

Abælard's inability to force an inquiry into the errors imputed to him, or to obtain a hearing in France, had, as we gather from his adversary, induced him to put in an appeal to the Pope. Meanwhile Bernard had taken care to furnish the pontiff with a list of extracts from his works, and had been at great pains to forearm all his friends at Rome against the apprehended subtleties of his enemy, by an elaborate comment on the dangerous nature of the errors propounded or suggested in his works.[h] And, indeed, a proceeding tending in any respect to submit established creeds to re-examination was by the stricter theologians of the age regarded as in itself a substantial heresy. No inquiry was permitted beyond the simple question, "What saith the church?"[i] The attempt, therefore, to examine the bearing of the Word of God upon the creeds and traditions of the church was at best a daring innovation, and a presumptuous intrusion on the sole prerogative of the church and her chief; and in this light the question was viewed by pope Innocent. An unqualified condemnation of the certified articles passed the pontifical seal, with a recommendation to his prosecutors that Abælard, and his "faithful squire" Arnold of Brescia, should, when caught, be safely be-

[g] The opinion of a contemporary respecting Bernard's treatment of his adversaries is not without its weight: "The abbot of Clairvaux," says bishop *Otto* of Freisingen, "was jealous not only from the fervour of religious conviction, but from his habitual humility, whereby he became suspicious of mischief, and started back in affright when he found the teachers of religion trusting to human reason or secular wisdom; and thus it happened that he was apt to lend too ready an ear to any sinister reports that might reach him concerning such teachers." *Otto Freis.* De Gest. Fred. I. lib. i. c. 47, ap. *Mur.* vi. p. 678.

[h] *Bern.* Epp. 187, 189, 326, 330, 358, ap. *D. Bouq.* xv. pp. 576-580. See also Ep. 191, ap. *Baron.* an. 1140, § 7, p. 597.

[i] Ep. Archiep. Rhemens. &c. ad Inn. II. ap. *Hard.* Conc. vi. p. 1222.

stowed in some convenient retreat, where they could no longer be mischievous, and that their writings be committed to the flames wherever a copy might be found.[j]

Arnold of Brescia.

Abælard bent to the storm, and placed himself in the custody of his friends, the monks of Clugny, by whom he was received and protected with kindly hospitality; and there he died, about two years after his condemnation. Not so his disciple, Arnold of Brescia. Up to a short time before the retirement of Abælard, he had been a devoted hearer and a personal friend of the persecuted professor. Retreating to his native city, he found the rising spirit of liberty there, as in other cities of Lombardy, favourable to emancipation from the fetters of traditional theology; but neither he nor his disciples thought maturely, or wisely, how their novel views might be adapted to the existing state of the world's affairs. After his return from France, probably about the year 1139, he found the citizens of Brescia involved in a dispute with their bishop. Arnold seized the opportunity to assail the whole fabric of ecclesiastical authority. He insisted upon the necessity of reducing the clergy to a state of primitive poverty and simplicity; he denied their right to possess any property beyond a decent maintenance: their proper condition was, he contended, that of poverty, humility, purity of life and conversation, superiority in moral and religious attainments, and indefatigable devotion to their sacred duties. He described the actual state of clerical life and morals as irredeemably corrupt; their ministrations as destitute of grace or edification; their motives as purely selfish; their conduct ambitious, greedy, and tyrannical.[k]

Bernard against Arnold.

But no one in that age had stood up more boldly in condemnation of clerical and monastic corruption than Bernard of Clairvaux. Thus far, therefore, the censures of Arnold might have been borne with. But when he traced all the evils they had jointly denounced to the whole scheme of ecclesiastical government, to the proud assumption of temporal

[j] Inn. II. Ep. ap. *Hard.* Conc. vi. p. 1223.

[k] *Otto Freising* De Gest. Fred. I. lib. ii. c. 20.

power, and, above all, to the intolerable arrogance and ambition of the Roman pontiff and his curia, he at once overstepped the limits of sacerdotal forbearance. But a difficulty in dealing with the daring reformer arose out of his personal character and demeanour. He was on all hands, even those of his bitterest opponents, admitted to have exhibited a model of piety, disinterested ness, and purity of life. "What," said the holy Bernard, "would I not give to pluck the son of Abraham from the horns of the altar! In him, what a noble gift should I present to our holy mother the church! What a precious vessel of honour would be hers, which she has so long beheld in dishonour!"[l] The admitted truth of the imputations struck with double force from the lips of one universally acquitted of the like impurity. It remained, therefore, for his adversaries to set off his doctrinal errors against his moral merits.[m]

Arnold at Zürich.

Bernard had long since discovered in Arnold of Brescia a more formidable antagonist than his master, Abælard. At Bernard's suggestion, a special sentence of anathema had been passed upon him at the great council of 1139;[n] and now it became his task to pursue him to a more distant retreat. The fears of the Brescians, and the persevering efforts of their exiled bishop, compelled the reformer to take refuge among the mountains of Switzerland. At Zürich he continued for some time, with all freedom, to advocate the cause of religious liberty, and to inveigh against the vices of the Pope and his clergy. His success there was as great as elsewhere. The people flocked to his chair, and listened with avidity to his eloquent denunciations. But the vigilant eye of Bernard was upon him; and a sharp rebuke was forthwith adminis-

Assailed by Bernard.

[l] As the friend and companion of Abælard. S. *Bern.* Ep. 195. "Arnoldum loquor de Brixia, qui utinam tam sanæ esset doctrinæ quam districtæ est vitæ."

[m] Thus *Günther*, in his "Ligurinus," a doggerel panegyric upon the emperor Frederick II.:

"Veraque multa quidem, nisi tempora nostra fideles
Respuerunt monitus, falsis admixta monebat.
Et fateor, pulchram fallendi noverat artem;
Veris falsa probans; quia tantum falso loquendo
Fallere nemo potest: veri sub imagine falsum
Influit, et furtim deceptas occupat au- [res."

[n] See chap. i. p. 26 of this vol.

tered to Herman of Constance, the diocesan bishop of the city of Zürich. "Why," he wrote, "have you not long since driven him (Arnold) away? How could I at this distance know, or how could you be ignorant whom you had got among you? If you ask me, 'Who is this Arnold?' know that he is one that cometh *neither eating nor drinking;* but, like his father the devil, hungering and thirsting only after the blood of immortal souls . . . having on him the *form of godliness*, but denying the power thereof . . . one of those who were to come in sheep's clothing, but are only ravening wolves. For this cause he was hounded out of France; for that, being cursed by Peter the apostle, he had attached himself to Peter Abælard . . . For the same reason he was hunted out of his native city; yet, though a vagabond upon earth, he still goeth about among strangers, seeking whom he may devour . . . . . still, by dint of bland speeches and the simulation of virtues he doth not possess, he hath found out the trick of enticing men, even the men of wealth and quality, into his nets; and when he has thus caught them, he letteth them loose upon the clergy . . . inveigheth against the bishops, and raveth indiscriminately against every order of the priesthood . . . Now, therefore, that you know your man, drive him from among you; or, better still, *chain him down*, that he may do no further mischief. This ought to have been done here in France; but no one was found to do the good deed, no not one! Scripture counselleth to take the little foxes, that spoil the vineyard: how much rather, then, that old fox, lest he break into the Lord's fold, and worry his lambs!"[o]

Arnold in Rome.

It seems certain that while he lived at Zürich Arnold had found protectors powerful enough to arrest the hand of the bishop of Constance, if it was ever lifted against him. For the next five or six years we hear little of him. Throughout the short pontificate of Cœlestine II., and probably that of Lucius II., he appears to have lived in safety among his friends in Switzerland; but at the close of the year 1144 we find his repu-

[o] *Bern.* Ep. ad *Herm.* Constant. Episc. Ep. 197, ap. *D. Bouq.* xv. p 575.

tation as a political and religious reformer had penetrated to Rome; and certainly in that year, if not at an earlier period, we trace him thither, taking an active part in the popular commotions which had not ceased to agitate the republic both before and after the death of Innocent II. According to an ancient Swiss tradition, he collected in that country a band of two thousand of those gallant mountaineers, and forced his way to Rome, with a view to strengthen the citizens in their efforts to overthrow the temporal power of the Pope.[p] What is known of the latter years of his life down to his tragical end, connects itself with the domestic history of the three succeeding popes, Cœlestine II., Lucius II., and Eugenius III.

Cœlestine II., Lucius II., popes.

The first of these three pontiffs died on March 9th, 1144, after a brief pontificate of five months and thirteen days. He was succeeded by Gerard Camerarius, chancellor of the Holy See, by the name of Lucius II. The Romans, at the suggestion, it is said, of Arnold, insisted that the new pope should surrender all the temporalities of his see into the hands of the chief magistrate or patrician of the republic, for the benefit of the public treasury, and live, after the example of the primitive bishops, upon the tithes and oblations of the faithful.[q] Lucius, however, took up his cross, and bravely confronted the rebels at the foot of the Capitol, in the hope of quelling the seditious spirit by the majesty of his presence and address. But the only reply to his summons was a shower of stones, some of which inflicted such severe contusions as not many days afterwards to cause his death. The cardinals hastened to fill the vacant throne. They retired to the obscure church of St. Cæsarius, to be out of the way of the Roman mob, and there, no less to the astonishment of the world than of himself, chose Bernard of St. Anastasius, a monk of Clairvaux, and the emissary of the saintly abbot of that monastery in Rome, by the name of

Death of Lucius II.

[p] *Bern.* Ep. ubi sup. *Günther*, Ligurinus, lib. iii. *Joh. Müller*, Geschichte der Schweitz, vol. i. p. 409, note 218. It is probable that Arnold had been in Rome before this, because it appears that some time previously his followers there were known by the name of Arnoldists.

[q] *Otto Freising.* Chron. lib. vii. c. 31.

Eugenius III. pope.

Eugenius III.[q] Bernard hastened to disclaim all participation in the transaction. "The new pope," he said, "might be a very good monk, but was not at all the man to place at the head of the church in such a crisis." The prospect of reconciliation with the Romans was more remote than ever; and the curia, with the pope-elect, retired to the monastery of Farfa, about twenty miles north of Rome, where the ceremony of consecration was performed in a hasty and unsatisfactory manner. The Romans meanwhile proceeded to reorganise their domestic polity on the basis of the total exclusion of the Pope from all share in the civil government. For—so it was alleged—he was *virtute officii* the ecclesiastical judge, and thereby *ipso facto* incapacitated to exercise any political function. This resolution was practically confirmed by the plunder and demolition of the pontifical palaces, those of the fugitive cardinals, the castellated dwellings of the papal nobili, and the obliteration of every vestige of pontifical state and government.

He is driven out of Rome.

Revolution and outrages in Rome.

It cannot be doubted that this revolution was accompanied by the most odious outrages upon the persons and property of the clergy. The whole course of their history shows that the Romans were what Bernard describes them to have been, "a vain and foolish people." The churches were stripped of their valuable ornaments, the vessels of the altar, the gold and silver images and utensils were stolen, and the pilgrims who resorted to the holy places for prayer were compelled to pay toll to the mob, robbed, and, if they resisted, murdered outright. Such a state of things had no element of durability in it. And accordingly pope Eugenius, who appears to have managed matters with more vigour and skill than even his friends gave him credit for, contrived, with the aid of the Tiburtines, the hereditary enemies of the Romans, to drive the latter into such difficulty as to lead to a compact by which the pontiff was readmitted to a large share in the political government, the office of patrician abrogated, and the election

[q] February 27th, 1145.

[r] *Otto Freis.* De Reb. gest. &c. lib. i. c. 27, 28, ubi sup. p. 662.

of the senate placed in the hands of the Pope. Now that the sources of license and plunder were exhausted, the zeal for liberal institutions had cooled apace, and the craving for revenge upon their enemies the Tiburtines stepped into its place. The pontiff, however, steadily resisted their clamours for the destruction of Tivoli, and the banishment of its inhabitants; but the threatening aspect of affairs compelled Eugenius to confine himself to the Leonine city, and eventually to remove to Viterbo, either to escape further importunities, or to await the result of certain movements in the political world, which promised greater advantages than could be obtained in Rome or Italy.[s]

Restoration and second expulsion of Eugenius.

While pope Eugenius III. was occupied in this fruitless struggle with his own disaffected subjects, disastrous tidings from the Holy Land filled the hearts of the faithful with horror and dismay. Edessa had been taken by the infidel sultan of Aleppo, and the Christians of the East were threatened with a general massacre. Men's spirits were stirred within them; a new crusade was preached, and was responded to with unexampled zeal and alacrity. In France every sword leaped from the scabbard, and Bernard straightway took upon himself to lead the great movement. The chivalrous king Louis VII., together with the majority of the nobility and clergy of the kingdom, assumed the cross. Councils were held, in which the most lively enthusiasm for the holy war was displayed. Myriads of the king's subjects followed his example; and Bernard appeared on the stage as the special legate of the Pope to distribute the sacred pledge, and to deal out to the "soldiers of Christ" those inestimable privileges and indulgences which had been so liberally granted by Urban II. to the heroes of the first successful expedition.[t] The apostle of the new crusade exhausted the waning energies of his wasting body

Revival of the crusading mania.

Bernard the prophet of the crusade.

[s] *Otto Freis.* Chron. lib. vii. c. 31 and 34. *Pagi*, ad *Bar.* an. 1146, § i.

[t] *Eugen.* III. Epp. no. 8, 9, 14, ap. *D. Bouq.* xv. p. 431 et sqq. *S. Bern.* Ep. 256, ap. *Bar.* an. 1146. *Mauriacens.* Chron. ap. *D. Bouq.* tom. xii. p. 88.

in exhortations to the champions of the cross, encomiums on their zeal, and boundless promises of the divine blessing upon the holy enterprise. The progress and issue of this disastrous expedition is too remotely connected with our subject to find a place in these pages. It is sufficient to observe here that the spirit of the crusade had spread with equal rapidity in Germany. Seventy thousand of his nobles and subjects followed the emperor Conrad across the arid plains of Asia Minor, of whom scarcely seven thousand escaped the arrows of the Seljucide Turks of Iconium, and succeeded in joining the hosts of Louis of France at Nicæa in Bithynia. Conrad himself returned in miserable plight to Germany, to find his way afterwards by sea into Palestine. The armies of Louis met with a fate, if possible, even more disastrous than that of Conrad. After an abortive attack upon Damascus, he was fortunate enough to escape into Italy with a remnant of his mighty host, and thence to find his way, not without difficulty, to his own dominions. Thus, of one hundred and eighty thousand soldiers and pilgrims engaged in these ill-conducted expeditions, scarcely a tenth survived to revisit the land of their birth.

Disastrous issue, &c.

As soon as the outburst of sorrow and anguish throughout Europe had somewhat subsided, a storm of public indignation assailed the authors and contrivers of this miserable failure. Bernard of Clairvaux, the most eloquent and zealous of the promoters, the undoubting prophet of success, was the first to encounter the tempest of public censure. "He had," said his accusers, "deceived the people of France and Germany; he had betrayed them to death by false prophecies and deceitful promises." "Nay," replied the abbot, "it is through your own sins and excesses that ye have perished; I was not your general, but the organ only and the orator of the pontiff and the king, to point out to you the way you *should* have gone, the righteous path you *should* have followed: had you walked in the ways of righteousness, you could not have failed of the blessing. But you de-

Bernard assailed as an impostor, &c.

His retort.

serted that way, and have met the due punishment of your offences."

The pious self-reliance of Bernard, and the notorious truth of the charges he alleged against the recreant crusaders, went far to silence the public clamour. But stronger evidence was appealed to on his behalf. "If," says his official biographer, "it was the will of God that the churches of the East should not be liberated, but rather that the kingdom of heaven should be peopled by all the pious souls which were liberated by the sword of the infidel, then were the angels of God glad for all the weary and heavy-laden sinners who thus entered therein. Who then shall say that the holy Bernard was a false prophet? Nay, but he himself had been marvellously strengthened against the resulting calamity by the gift of new powers of miracle conferred upon him at the very time the news of the disaster had arrived,—a conclusive proof that the occurrence was the will of God." Bernard himself, it appears, adopted this exposition of the divine intention, and took it as the text of his exculpatory addresses. But though the failure of the crusade as a military expedition could not be imputed to him, yet he was not wholly irresponsible for the inconsiderate zeal with which he had so greatly contributed to close the eyes of the zealots to the difficulties and dangers to be encountered, and to inspire them with a false confidence in their irregular efforts. He had besides staked his credit as a prophet for the success of the undertaking, and could not now avail himself of the plea of a simple agency, or shelter his disgrace under the presumed will of God, whose name he had all along invoked with equal confidence, and on whose authority he had from the first rashly presumed to preach and act. It was therefore not without some show of justice that he was held responsible by the afflicted survivors and friends of the victims for the unspeakable calamity which had befallen them; or that the man who had so long ruled public opinion as a monarch should now be stigmatised by the sufferers as an impostor and a mountebank. All that

Apology for Bernard.

His conduct, how far censurable.

His justification.

could be urged on his behalf was, that the crusaders had disobeyed the word of God, as preached by him; that their impenitence, their vices, their disobedience, had drawn down the anger of God on their guilty heads, and that it was a mercy for which they could not be sufficiently thankful that the gates of Paradise had been opened to the sinful souls whose bodies were rotting on the plains of Asia Minor and Syria. But as a conclusive proof that he had all along acted as the mouthpiece of the divine will, it was affirmed that the power of working miracles was not withdrawn from him; that, in fact, after the terrible result was known, new powers of miracle had been conferred upon him, thus plainly imparting a divine sanction to his apologies, and rebuking the faithless cavils of the fretful sinners.[u]

Bernard against the Romans.

In Rome meanwhile the papal government had been a second time overthrown. The influence of Arnold of Brescia in the city may be most distinctly traced to the year 1146. In that year Eugenius was an exile at Viterbo, and Bernard thundered forth a rebuke which met with little attention from the obdurate citizens, who had all along evinced a decided preference for a government consisting of a patrician or president, a senate, an equestrian order, and a plebs endowed with the largest elective franchise. Bernard indeed had emphatically reminded them that Rome was not theirs to give away or govern; that she was the city and see of Peter, the prince of the apostles. One pontiff, he said, had perished by their sacrilegious hands, and now they had again violated the sacred shrines, pillaged the houses of cardinals, priests, and bishops, and razed to the ground the very dwelling of their lord and master. "But," he exclaimed, "now ask yourselves, what are you but a trunk without a head, a scull with eyeless sockets! After all that you have gained by your sacrileges, how much remains in your purses? True it is, the beauty of God's house hath perished, but what have *you* gained? what better hope have *you*

[u] See, generally, the Biography by *Gaufrid*; and the letters and addresses of *Bernard*, as heretofore quoted. Cf. *Baron* ad an. 1146, 1147.

for the future? For now the princes of the earth shall rise up against you, to destroy you; now is your hand against every man, and every man's hand against you!"[v]

His summons to the emperor Conrad.

With a view to give effect to this menace, he addressed to the emperor Conrad a letter of burning denunciation against the crimes of the Romans, calling him forth to battle in the "cause of God and his anointed." "Then," said the holy man, "shall the Lord speedily deliver his Zion out of the hand of her enemies: He shall quickly redeem his heavenly spouse—she whom He hath ransomed with his blood, and for his own purpose *endowed with all earthly power and wealth*. . . . Gird therefore your sword about your loins: take unto Cæsar the things that are Cæsar's, and give unto God the things that are God's; for *that* is your plain duty, both as the sworn protector of the church and ruler of the empire." He concluded by assuring him that the Romans were braggarts and cowards, and that it was absurd to suppose that they could resist the armies of the empire.[w]

Pope Eugenius in France.

But the prosecution of the holy war effectually suspended the execution of this warlike design. Pope Eugenius bent to the storm; he had quitted Rome, for the second time, in March 1146, and after residing, first at Sienna, and afterwards at Pisa, he passed into France in the winter months of 1147, and resided alternately at the abbeys of St. Denys, Clugny, and Clairvaux.[x] During his visit he sat in council at Paris upon an inquiry into the doctrinal errors of Guilbert, bishop of Poitiers;[y] he attended as a humble brother a general chapter of the Cistercian order at Clairvaux. He dedicated the new church at Chalons; paid a visit to Verdun and Treves; and finally presided at a great national council at Rheims. On all these occasions

[v] *S. Bern.* Ep. 242, ap. *Bar.* an. 1145, § 14-18, p. 645 et sqq. We take it for granted that what was left to the church after the first revolution was plundered or destroyed in the second, though the rebuke of Bernard seems to have relation to the first or more violent outbreak.

[w] *S. Bern.* Ep. 243, ap. *Baron.* an. 1145, p. 657.

[x] *Art de Vér. les Dates*, in Vit. Eug. III. p. 286.

[y] *Hard.* Conc. vi. p. 1297. *Otto Freis.* De Gest. Fred. I. lib. i. c. 46 et sqq. ap. *Mur.* vi. p. 677 et sqq.

abbot Bernard was at his elbow. His suggestions were received by the pontiff with the docility of a pupil; the jealousy of the sacred college was awakened, and Bernard found all his humility and ingenuity taxed to the utmost to escape the resentment of the curia for presuming to advise the Pope upon a matter of doctrine in the absence and without the knowledge of the body of cardinals. At the council of Rheims, it appears, Bernard had, at the request of the bishop of Poitiers, and with the concurrence of the Pope, drawn up a confession of faith for the delinquent prelate to sign in token of submission to the judgment of the church. This act was construed as a presumptuous invasion of the privileges of the sacred college; and the cardinals with one accord called upon the Pope to vindicate the honour and prerogative of his official counsellors. Bernard, however, with his usual ability, cast from him the imputation of an arbitrary attempt to impose laws upon the church. His apologies were grudgingly accepted; and the Pope consoled him by a devotional visit to his own spiritual birthplace, the abbey of Clairvaux, where he displayed to the edified brotherhood an example of monastic humility in anomalous combination with the majesty of the universal pontiff. Such violent contrasts suited the taste of the age, and added to the halo with which the popular reverence had already crowned the brows of the holy abbot.[z]

Bernard in disgrace with the curia.

Since the martyrdom of Peter de Bruys, his doctrines had, as already observed, spread over the south of France to an extent which greatly alarmed and incensed the established priesthood. In the year 1147 pope Eugenius issued a commission to Bernard, and several of the superior clergy, *to make inquisition* upon the spot into the nature and extent of the infection, and to take all needful steps for its suppression. The inquisitors accordingly reported, that in their progress through the provinces of Languedoc and Provence they had found the altars deserted, the ministrations of the established clergy

Commission to Bernard to make *inquisition* into the heresy of the Henricians.

[z] *Otto Freis.* ubi sup. lib. i. c. 57, p. 689. *Gaufrid,* Vit. S. Bern. lib. ii. c. 8.

discredited, the churches converted into conventicles and preaching houses; deathbed confessions rejected as useless, and absolutions discontinued as superstitious and unavailing. "By the efforts of this single man Henri," said Bernard, "the people have been seduced into the rejection of the whole body of ecclesiastical tradition. All this has been accomplished by an obscure vagrant, wandering in rags from place to place, and heretofore chased away like a pestilence wherever he had obtruded his poisonous presence, selling his gospel for a price, and the Word for a meal of food; having indeed *the form of godliness*, but denying the power thereof; thence what he getteth beyond a maintenance is spent in dicing and low debauchery, in fornication and adultery."

Bernard an inquisitor and persecutor.

The tone of this furious invective inspires caution in giving credit to the grave charges of immorality against the apostle of the rising sect. Bernard may have believed the scandals reported to him by his emissaries or informants, and adopted them upon the credit of the accepted theory that, as no virtue could dwell in the heart of a heretic, so no amount of vice was too incredible to command the belief of the faithful. The demon of persecution had taken root in the heart, and mastered the candour of the saint. The outer form of the nascent institution had not indeed been elaborated in his brain; the familiar spirit had not yet put on the cowl of Dominic; yet, in the language of Bernard, we behold as in a mirror the deadly aspect of the approaching fiend. It was high time, he thought, to put in requisition those hallowed arts and appliances for subjugating the minds of men to the yoke of Christ, with which the men of the world so often work out their own unhallowed purposes. "The wolves," he exclaimed, "who have laid waste the vineyard of the Lord, have been driven from their thickets; but they are still abroad; therefore let there be no hesitation or delay, let them be persecuted, let them be seized and taken, until they are utterly rooted out and destroyed."[a] Miracles in abundance were wrought in

[a] *S. Bern.* Epp. 240, 241, ap. *Baron.* ubi sup. § 15, 21. *Pet. Cluniac.* Ep. ap.

confirmation of his apostolate among the benighted Henricians of the south; wonderful his success; infinite the number of the converted sinners. The heresiarch himself was seized, and delivered up in chains to the bishop of the diocese.[b] Yet, more wonderful still, his heresy from this time forward increased and multiplied year after year, until the apparatus of persecution was matured, and the danger could be drowned out in blood and slaughter. But of this consummation Bernard himself had no glimpse. There are even passages in his writings which may lead to a belief that he would have shrunk from this practical application of his own theory. Upon the whole, it may be taken for granted that he relied more upon the sword of the spirit, when wielded by his own hand, than upon the sword of the flesh in that of his lay coadjutors; that, in fact, he would rather have fallen as a martyr, than have conquered as a cut-throat.

Bernard attempts to reform the curia.

To the latest period of a life now drawing to a close, this extraordinary man had laboured earnestly to cleanse the church of those external impurities which must cling to every formal religious scheme. In that scheme he beheld a full and sufficient security for the technical as well as the vital godliness exemplified in his own life and in that of the community under his charge. Blind to the obvious truth, that where no change is admissible, no improvement is possible, he still trusted to his waning strength to set the watchmen on their guard against a source of mischief of far greater magnitude than the host of heretics against whom he had expended his labour with such indifferent success. The legatine scheme contrived by pope Gregory VII.[c] had placed the most uncontrolled powers in the hands of persons drawn from a class of men familiar with scenes of rapacity and plunder from their earliest associations. The Roman curia, recruited in a great measure from among the nobili of the

Inveterate corruption of the curia.

Bar. an. 1147, § 13. *Gauf.* Vit. S. Bern. lib. iii. c. 5, 6. It is to be observed, in justice to Bernard, that he restricts himself to pointing out the game to be hunted down, but leaves *the means* to the secular power he invokes.

[b] See *Vit. S. Bern.* ubi sup. c. 6.

[c] Conf. book x. c. 6, pp. 304, 305, of this work.

city, and the more able and active adventurers from other countries, regarded the legatine commission as a source of gain, a matter of business, a step to the pontifical throne. The encomiums awarded to the few honest legates are almost of themselves sufficient to prove the rarity of the phenomenon. In general, wherever a legate presented himself, scenes occurred resembling those which attended the visits of a Roman proconsul to his province; the churches concealed their wealth, buried their treasures, or purchased exemption from inquiry by bribes proportioned to the fears or the means of the delinquents. The cardinal-legate Jordanes dei Ursini was a notorious offender. During his mission to Germany in 1152, he had traversed that country and the northern provinces of France as far westward as Rouen, carrying on the traffic in holy things without a check; plundering the churches, selling preferments to favourites, compelling others to buy off his visits, or sending forth his emissaries where it was inconvenient to attend in person. Schools, convents, and monasteries complained aloud of his extortions. Bernard saw, heard, and was not sparing of his censures of this distinguished sinner; but, with the true instinct of his caste, suggested apologies, and recommended the Pope to remedy these irregularities *proprio motu*, rather than that they should remain to disgrace the church in the eyes of the profane. He would not, he said, have opened his lips but for the urgency of certain pious men; and the Pope was clearly to understand that what he had written was intended for his private ear, and had never been made the subject of discussion in any other quarter.[d]

The legatine commission.

Bernard on the irregularities of the legates.

The work of Bernard, entitled "De Consideratione," treats at large upon the cause of these corruptions, and the means available for their correction. The cause he traces mainly to the source from which the pontifical appointments flowed. Of the Romans he entertained the worst opinion: "What," addressing the Pope, "shall I say of these your special flock?

Bernard "De Consideratione."

[d] *S. Bern.* Ep. 290, ap. *Bar.* an. 1152, § 5. *D. Bouq.* xv. p. 624.

That they are Romans!—more need not be said. What is more notorious in all ages than the knavery and pride of the Romans? a people averse from peace, devoted to faction, insolent, intractable, and obedient only when resistance is impossible . . . But do not despair; you may mitigate the evil if you cannot cure it . . . I know that the heart of this people is hardened; but God hath power from these stones to raise up children unto Abraham. Who knows whether they may not repent, and He may pardon, convert, and heal them?" But as long as the source was thus defiled, the streams that flowed from it could neither fertilise nor cleanse. "All the ordinances of the church, all the instructions of their mission, are perverted by these emissaries into the instruments of a venal traffic; nor had it ever been heard that a single delinquent among the multitude of the sinners had been brought to justice. Besides this, many of these legations are not only useless, but are conferred merely to afford an opportunity for extortion. These persons then run to and fro in all regions; but what good they do no one ever heard, though all the world knows that they go about selling their ministrations for money."[e]

Death of Eugenius III.

A period of five years had elapsed since the return of Eugenius III. into Italy, during all which time he had visited the capital certainly not more than twice; and on both occasions under circumstances which leave no doubt that the government was in other hands than his. In the first six months of the year 1153 he was living in exile at Tivoli, under the protection of the hereditary enemies of the Romans, and at variance with the formidable Roger of Sicily. And at Tivoli he breathed his last on the 8th of July in that year, after a pontificate of eight years four months and sixteen days, and about six weeks before his great master and friend, abbot Bernard of Clairvaux. The health of that eminent man had been on the decline for some years. A body enfeebled by early austerities and habitual self-neglect could no longer sustain the pressure of the

[e] *S. Bern.* De Consid. lib. iii. and iv. ap. *Baron.* an. 1152.

world's business. Worn out by incessant toil, he expired within the walls of his monastery on the 20th of August 1153, with the reputation of sanctity, to which he was in many respects justly entitled. Of all his most eminent contemporaries, none of them surpassed him in the power of gaining the command over the minds of others. For learning and eloquence he had no equal; for spotless integrity and purity of purpose it would not be easy to find a parallel. These great qualities entitled him to the reverence of posterity, and procured for him the questionable honour of a niche in the Roman Pantheon; for which indeed, since the days of the Apostles, it might be difficult to find any one better qualified. In life his views were strictly bounded by the ecclesiastical horizon; but his memory was bespattered with fables, which perhaps contributed more to his posthumous elevation than the real services rendered to his church. Suger, abbot of St. Denys, preceded him to the grave on the 13th of January 1152. His friend and fellow-labourer, Peter the Venerable, abbot of Clugny, survived him three years and four months. With them died out the last of a succession of divines of the Latin church in whose works the genuine spirit of Christianity may be seen engaged in an unavailing struggle against that inexorable formalism which toned down the minds of the writers themselves to its own pitch, and converted them into the precursors and prophets of a tyranny unequalled in the annals of history for ability in the conception and ruthless cruelty in the application.[f]

Death of Bernard of Clairvaux.

Death of Suger of St. Denys.

Thus, within a period of five years, the most interesting personages in papal history passed from the stage. With them the stirring power of genuine religion became for a time extinct. In the place of these living realities we are suddenly introduced to a new and more commonplace set of actors: warriors and

Shifting of the scene.

[f] In many passages of the writings of these eminent men it is impossible to overlook the tendency to that intolerance and bigotry which required only time and the aid of human passion and invention to grow up into those hideous proportions which they attained to in the reigns of Alexander III. and Innocent III.

men of this world; a priesthood building upon the great names and the least estimable of the principles of their predecessors; yet without their piety to put to shame, or their desire to control, the vices of the system they upheld: on the other hand, we contemplate a young and haughty monarch, reigning over a people now for the first time, after ages of internal anarchy, united as one man under his sceptre, admiring his personal character, and trusting with unbounded confidence in his wisdom in council and his talents in the field. But if both the philosophy and the religion of history suffer by the shifting of the scene, the incidents become more various, the action more life-like, the scenic effect more striking, and the catastrophe more distinct and palpable.

CHAPTER III.

FREDERIC I. AND HADRIAN IV.

Death of Conrad III.—Election of Frederic I., Redbeard—Accommodation with Eugenius III.—State of Italy—Rivalry and ambition of the cities of Italy—Warfare of the Lombard cities—Conrad of Hohenstauffen in Italy—The emperor Lothar in Italy—Relation of the Italian kingdom to the empire—Frederic I. in Italy; diet of Roncaglia—Hadrian IV. pope—Arnold of Brescia and the political heretics—Character of the Roman people—how treated by Hadrian—Frederic sacrifices Arnold of Brescia to the Pope—Martyrdom of Arnold—Reception of Frederic by Hadrian IV.—Neglected ritual—Bombastic address and complaint of the Romans to the Emperor—Preposterous demands of the Romans—Reply of the Emperor—Advance to Rome—Coronation of the Emperor—Insurrection of the Romans, and danger of the Pope and Emperor—they evacuate Rome—Retreat of the Emperor—War between Hadrian and William of Sicily—Defeat of William—he recovers his lost territories—The Pope besieged in Beneventum—Negotiation—Treaty of St. Marcion—Resulting relations between the empire and the papacy—Claims of the empire upon the Norman feoffs of Southern Italy—Growing alienation of Emperor and Pope—Rupture between Emperor and Pope—Affair of the archbishop of Lund—Insolent message of the Pope—Stormy reception and dismissal of the papal legates—The Emperor's vindication of his treatment of the legates—Frederic prohibits unlicensed visits to Rome—Reply of the German clergy to the complaint of the Pope—Hadrian's explanation—The Emperor accepts the apology.

Death of Conrad III. Election of Frederic Redbeard.

THE remarkable change in the aspect of affairs alluded to at the close of the last chapter was preluded by the unexpected death of the emperor Conrad of Hohenstauffen, the leader and victim of the late inauspicious crusade. Conrad died on the 15th of February 1152, and on the 5th of the ensuing month the estates of Germany unanimously elected his nephew, Frederic duke of Swabia, surnamed the "Redbeard." The new emperor duly notified his election to pope Eugenius III.; but, from the earliest period of his reign, he caused it to be well understood that the Treaty of Worms was no longer to remain a dead letter. With-

in the first months of his accession, the archbishopric of Magdeburg became vacant, and a schism in the chapter delayed the nomination of a successor. Frederic, however, put an end to the dispute by nominating his own candidate, bishop Wickman of Zeitz, to the see; he was accordingly accepted, consecrated, and enfeoffed without awaiting the papal consent.[a]

Accommodation with Eugenius III.

Eugenius indeed resented the insult to the Holy See in a sounding rebuke to the prelates of Germany[b] for their participation in this act of criminal subserviency to the will of their sovereign; but the Pope was at this moment in no position to brave the resentment of the powerful and self-reliant monarch. The latter, on the other hand, was solicitous to avoid a quarrel which might impede his designs in Italy, and stand in the way of his expedition to Rome in quest of the imperial crown. With these dispositions on both sides, a treaty was concluded pledging the Emperor and the Pope to each other for the maintenance of the existing state of things; and more especially warranting to the latter the restoration and quiet possession of the territorial domains and standing claims of the Holy See.[c] Of the practical stipulations of the treaty, the most important was that by which the Emperor bound himself to make neither peace nor truce with the rebellious Romans, or their protector, Roger of Sicily, without the consent of the Pope. A further advantage was gained by the freer scope the Emperor found it not inconvenient to afford to the papal legates in Germany. They were permitted to set aside bishops,[d] and even to sit in judgment upon and depose the primate Henry of Maintz for divers crimes and misdemeanors charged against him by his suffragans and clergy.[e] The Emperor, in fact, was disinclined to clip the wings of the legates as long as they did not tres-

[a] *Otto Freising.* De Gest. Fr. I. lib. ii. c. iv. ap. *Mur.* ubi sup.

[b] *Id.* ubi sup. c. 6 and 8, ap. *Mur.* vi. p. 702 et sqq. *Bar.* an. 1152, § 4, p. 59.

[c] *Pertz*, Mon. Germ. Legum, ii. p. 92. *Bar.* an. 1152, § 5, 6. *Martene*, Collect. ampliss. ex Epp. *Wibaldi* Abbat. Ep. 385.

[d] Those of Eichstädt and Minden.

[e] See an account of this quarrel, ap. *Otto Freis.* De Gest. &c. lib. ii. c. 9; and *S. Bern.* Ep. 302. Conf. Ep. of *Conrad*, Annal. Magunt. ap. *Baron.* an. 1153, § 6, 7; a very suspicious story.

pass on his peculiar domain in matters ecclesiastical, and abstained from personal attacks upon his friends and servants.[f]

A short review of the state of Italy and Rome when Frederic of Hohenstauffen ascended the imperial throne is essential to the progress of the narrative. State of Italy.

It has been observed, that this point of time indicates the commencement of an era of violent fermentation in the civil and religious elements of society. In the latter respect some observations have already been offered.[g] As to the former, it is necessary to bear in mind that since the retirement of Henry IV. no German emperor had exercised any permanent governing power in Italy; consequently that, within the half-century which had elapsed since that epoch, the ancient prerogatives of the crown had practically fallen into disuse, if not into oblivion. In the absence of any central government the constituency of the kingdom had split into a number of self-governed bodies or municipalities, all actuated by those instincts, pursuits, and ambitions which have resulted from a similar state of things at other times and among other nations. Wars and civil conflicts sprung up between the numerous municipal bodies dotted over the surface of Lombardy, Æmilia, Tuscany, and southward as far as Naples. Under the discipline of the field and the popular assembly, the citizens had made creditable progress in the lessons of self-reliance, freedom of speech and action, subordination and military duty. Commerce had thriven, wealth had accumulated, education advanced; and thus, towards the middle of the twelfth century, the cities of Lombardy might measure themselves in riches, knowledge, and martial virtues against the proudest of the Italian chivalry. The latter, scattered over the surface of the country, and destitute of a chief or of any combining power, found themselves unable to stand up against the fresh and living influence of the upstart commonwealths; and therefore, for the

[f] *Raumer*, ubi sup. i. p. 15.

[g] See c. ii. p. 35 et sqq. of this Book.

most part, preferred enrolling themselves as members of these associations, to the chances of contending with them as rivals or enemies. The republics themselves gladly accepted the accession of strength and respectability which the new-comers brought with them, and cheerfully admitted them to the full privileges of citizenship. To all classes of citizens, from the feudal noble to the artisan, a certain share in the management of public affairs was assigned; scope was afforded for the free development of activity, industry, and talent, and a mass of physical and mental energy was engaged in the public service, which set at defiance the antiquated claims of feudalism, and recoiled from any control but that which emanated from their own body.[h]

Rivalry and ambition of the cities of Italy.

This is the fair side of the picture: the reverse is less attractive. The movement, which had originated in patriotic sentiment, soon yielded to the temptations which republican forms are less calculated to withstand than any others. Though sensitively watchful of their own rights, the several commonwealths paid no great regard to those of their neighbours. Their intercommunal policy was distinguished by a profligate contempt of law and justice, equalled only by that of the free states of ancient Greece towards their neighbours and subject-allies. The first years of the twelfth century gave birth to two antagonist leagues amongst the cities of Northern Italy. Milan and Pavia engaged in a passionate rivalry for the hegemony of Lombardy, and for that purpose cast about for confederates among the weaker municipalities; the greater number of which became, by force or compact, the subject-allies of the more powerful bodies. Thus, in the very first years of the century, Cremona laid violent hands on Crema; Pavia besieged and reduced Tortona (A.D. 1107); and Milan soon afterwards seized upon Lodi and Novara. The citizens of Crema, Tortona, and Brescia invoked the protection of Milan; while Cremona, Lodi, Novara, and Asti became the dependents of Pavia. The cities of

[h] Conf. the able description of the state of Italy by Bishop *Otto of Freisingen*, De Gest. Fr. I. lib. ii. c. 13, pp. 706, 709.

Parma and Modena attached themselves to Milan; Piacenza and Reggio, on the other hand, joined the Pavian league.

In this state of affairs in Northern Italy, civil warfare became the normal relation of the rival confederacies. Mutual inroads, skirmishes, plunderings—on one or two occasions pitched battles—varied the monotony of domestic faction. In the year 1111 the Milanese took and razed to the ground the flourishing little city of Lodi, and distributed the inhabitants in open hamlets close under the walls of Milan, with a view to prevent any attempt to resettle their ruined habitations or to recover their independence. On pretences disgracefully frivolous, they engaged in an inveterate quarrel with the citizens of Como; and after a sanguinary struggle of ten years' duration, succeeded in reducing the city to servitude under the dominant republic. Elated by success, they embarked in fresh wars of aggrandisement, and confronted Pavia and her confederates in the field. But at this moment the appearance of Conrad of Hohenstauffen, claiming the crown of Italy, as successor of Henry V., opened to the Milanese a larger prospect of gain. They joyfully accepted him as their king—or rather as the convenient instrument of their ambitious policy—and conferred upon him the iron crown of Italy. On the other side Pavia and her confederates flew to arms in the cause of the Pope and the rival emperor Lothar; and Conrad, after some faint efforts to maintain himself in Italy, abandoned a country where no honour was to be gained in arms, and where his efforts were cramped and controlled by the vigilant jealousy of his republican patrons.

Warfare of the Lombard cities.

Conrad of Hohenstauffen in Italy.

The retreat of Conrad, as already mentioned, enabled Lothar to snatch the imperial crown from the Roman altar, and to make good his retreat without molestation, and not without credit or political advantage. The Milanese were reconciled to the Emperor, and he was saluted king of Italy, with all the noisy demonstrations of loyalty which but a short time

The emperor Lothar in Italy.

before had been bestowed on his rival Conrad. The Pavian league had meanwhile cooled down in proportion to the increased fervour of their rival. The ancient grudge, however, was allowed to slumber for a while; and Lothar might indulge in the dream of sovereignty as uncontradicted as it was unreal. But his death in the year 1138 dispelled the prospects of imperialism in Italy, and adjourned the claim of the German monarch to the sovereignty of that country for a period of nearly fourteen years. Conrad III. (Hohenstauffen), who succeeded Lothar on the imperial throne, was at no period of his reign in a condition to assume the crown in the customary form of inauguration.[i] The latter part of his reign, dating from the year 1147, was spent in the calamitous crusade already adverted to. After his return to his own dominions, the revived feud with Duke Welf VI. of Bavaria occupied his arms till shortly before his death, in the year 1152. But the pacification of Germany and the election of his nephew Frederic in that year ultimately changed the channel of Italian politics. For two years after his elevation the new Emperor was detained at home for the settlement of internal disputes and claims. Meanwhile, as already observed, Frederic had bound himself to the Pope to maintain the *status quo* in all the subsisting relations between the empire and the papacy; leaving, however, both parties as much as ever in the dark as to what those relations really amounted to.[j] The treaty was, in fact, regarded by both as simply a matter of temporary

[i] The earlier part of his reign was spent in incessant warfare with the dukes Henry the Proud and Welf or Guelph VI. of Bavaria. In the course of the war the latter prince had been compelled to throw himself into the strong fortress of Weinsberg, and was there besieged by Conrad. In a sortie from the place his warriors adopted as their war-cry the name of their chief, "Welf" or "Guelph:" the imperialists, either by chance or choice, replied by the cry of "Weibelingen," the name of the castle or borough from which the family of the Swabian dukes of the Hohenstauffen family originally proceeded. By a caprice of party spirit, these names gradually came to denote respectively the imperial and the Italian or papal party in both countries; the Italians adapting the sounds to their own form of speech, and converting them into "Guelphi" and "Ghibellini." *Mascou*, Comment. de Reb. Imp. sub Conr. III. lib. iii. c. 13, p. 141.

[j] *Otto Freising.* De Reb. Gest. Fr. I. lib. ii. c. 3 to 7, ubi sup. p. 700-703. Conf. *Raumer*, Hohenst. i. p. 562.

convenience; yet, on the whole, the advantage remained to the credit of the Emperor.[k]

Relation of the Italian kingdom to the empire.

It should be borne in mind, that from the age of Charlemagne Italy had never ceased to be regarded as part and parcel of the holy Roman empire, yet always rather as an appendage to, than as an integral portion of the great body politic. The emperor was *de jure* king of Italy, but the estates of that kingdom were never practically acknowledged as constituents of the Germanic state, nor were they ever admitted to participate in the election of the emperor. This state of isolation led to a political, in addition to the natural, estrangement of the two countries. In the absence of all reciprocity of rights, no cordial sympathy found room to grow up; even if language, habits, and climatic influences had not concurred in maintaining an ineradicable national alienation. There remained, therefore, no connecting link, but a mere prescriptive annexation supported by certain general laws and usages capable of the widest interpretation, limited to certain customary obligations of the most fluctuating and occasional character, and unsupported by any properly resident government or continuous user. Since the retirement of Henry IV., the visits of the German monarchs to their Italian dominions had been confined to military expeditions in quest of the imperial crown; and although sometimes these visits were prolonged to a year or more, yet it was under circumstances of so purely military or occasional a character as to preclude attention to those legislative or administrative measures which might have connected their government with the interests, and confirmed it in the habits and affections, of the people. The prescriptive right of the Germanic Cæsars to the crown of Italy had, it is true, for ages past met with no theoretical or constitutional contradiction: the feudatories of the kingdom held themselves still bound to attend the imperial summons to his military ban, to supply his armies, to open

[k] Thus, after the issue of the contest respecting the archbishopric of Magdeburg, *Otto of Freisingen* (lib. ii. c. 10, p. 705) observes: "Exhinc non solum in sæcularibus, sed in ecclesiasticis negotiis disponendis, auctoritas principis plurimum crevit."

the gates of cities and castles for his reception, to attend his high court of justice, and to accept his decision of existing disputes, and his laws for the remedy of grievances wherever a diet of the realm might be convoked by his precept. On these occasions it was customary for barons, magistrates, and municipal officers to take the oath of allegiance for themselves and their constituents; charters and privileges were granted, forfeitures declared, fiefs and investitures conferred, crimes against the state and offences of a public nature tried and punished. But this theoretical connexion had little hold upon the public mind. A habit of resistance to all law that might operate as a check upon the practical liberty they had acquired, was inconsistent with any sentiment of loyalty to the presumptive sovereign; and the execution of his laws depended upon his ability to enforce them by the military means at his disposal, rather than upon any principle of legality or regard for constitutional practice in the subject.

Frederic I. in Italy. Diet of Roncaglia.

Such was the state of Italy when, in the year 1154, the emperor Frederic Redbeard erected his banner upon the plains of Roncaglia, where, in conformity with ancient custom, the diets of the kingdom had been most commonly held. Frederic was at the head of an army more numerous and in a higher state of equipment and discipline than had ever before followed the imperial standards across the Alps. Summonses had gone forth; a term had been given for the attendance of the lieges, the cities, and boroughs; the imperial shield—the symbol of his high court of justice—was suspended on high; and all who were absent without lawful excuse were declared in contempt. Pleas of the crown were heard; Lodi and Como preferred their complaints against Milan, and the latter was commanded to restore those cities to their ancient liberties. The Pavian league sought refuge under the wing of the imperial eagle against the tyranny of Milan, and took the benefit of the arms of their patron to retrieve the disasters of bygone warfare. For the present, however, the strength of her fortifications, the gal-

lantry of her citizens, and her military reputation saved the great offender, Milan, from the imperial visitation; and Frederic prudently postponed the reduction of the contumacious city to the immediate objects of the expedition[1] in hand.

Pope Anastasius IV. died on the 2d of December 1154, after a reign of only four months and twenty-four days. He was succeeded by Hadrian IV., a man of English extraction, of obscure birth and distinguished ability. Nicolas Breakspear was the son of a clerk in orders, who, at the time of his son's departure from England, was a monk of the monastery of St. Alban's. Idle and irregular habits, it is said, inclined the youth to a wandering life. Driven from home by the severity of his father, he passed over to France, and migrated from convent to convent till he found a permanent asylum in the monastery of St. Rufus, near Avignon. Here he adopted a new path in life, and applied his great natural capacities to the study of controversial divinity and canon law, with such ardour and success as to gain the respect of his brethren, and ultimately to rise to the dignity of abbot of the community. But the humble and courteous brother proved a rigid and unbending superior. His severity created discontent, cabal, and ultimately complaint to the Pope. But the learned and eloquent defence of the abbot made so favourable an impression at Rome, that pope Eugenius, in condescension to the reluctance of the fraternity to receive him back as their abbot, resolved to retain him at his court. The exile was raised to the dignity of cardinal-bishop of Albano, and in this new capacity continued to exercise that influence in the curia which had very generally attended him in every position in which he had been hitherto placed, and which, upon the death of Anastasius, lifted

Hadrian IV. pope.

[1] With this concise description of the state of Italy in the year 1154 compare *Otto Freising.* De Gest. Fr. I. lib. ii., particularly the early chapters. Comp. also authorities quoted by *Raumer* (Hohenstauff.), ii. pp. 1-32; and *Sismondi*, Repub. Ital. &c. ii. c. 7, 8.

him, without a dissentient voice, to the pinnacle of ecclesiastical greatness by the name of Hadrian IV.[m]

Arnold of Brescia and the political heretics.

The reformer Arnold of Brescia had for some years past dwelt in Rome, and exerted all his zeal and eloquence for the overthrow of the pretensions of the popes to the political sovereignty. As to the imperial supremacy, he held that it must accommodate itself to the inherited and chartered rights of the people: it was their duty, he told them, to retrieve that noble character which, in the days of yore, had made them the masters of the world, and by the exercise of those virtues which had raised their ancestors above all nations, to regain that position which they had lost by their pusillanimous submission to sacerdotal tyranny.[n]

Character of the Roman people.

But genuine patriotism was not to be found in these boasted descendants of the ancient Romans. Few among them were disposed to stake life and fortune in the struggle for political liberty. With minds paralysed by superstition and enervated by faction, the evanescent enthusiasm of the citizens for their new constitution was destitute of that unity of purpose and energy of volition which can alone prepare the soil for the growth of liberty. Alternate paroxysms of criminal passion and faint-hearted misgivings shut out every chance of good government within, and of effectual resistance to their pontifical assailant from without. Agitated rather by the spirit of rebellion than the love of liberty, Hadrian found it no difficult task to practise upon their superstitions. Assailed by the clamour of the citizens to acknowledge and sanction their new constitution, he quitted Rome, and issued an edict of interdict against the city, and of anathema against the heretic Arnold. The blow was well-timed; such a visitation had never yet befallen the holy city: at the very commencement of the Easter week, a period of devout religious observance, the services of all the churches were

How treated by Hadrian.

[m] *Matth. Paris* (ed. Smith), in his Lives of the Abbots of St. Alban's, gives an account of his expatriation somewhat different from that of William of Newbridge (lib. ii. c. 6), as extracted by *Bower*, Lives of the Popes, vol. vi. p. 77.

[n] *Otto Freis.* De Gest. &c. lib. ii. c. 21, p. 721.

suspended; a panic terror filled the minds of the citizens of every rank, and the senate was compelled, for the nonce, to commit Arnold to custody.[o] Thus propitiated, Hadrian made his public entry into the city, rescinded the interdict, but suspended further measures for the recovery of his power until the arrival of his expected protector, Frederic of Germany.[p]

Frederic sacrifices Arnold of Brescia to the Pope.

The latter, however, advanced towards Rome with such rapid strides as seriously to alarm the Pope. Though expected, no announcement of his intentions had preceded him, nor had any time been allowed for those previous arrangements and stipulations which, on those occasions, the pontiffs had thought indispensable to their personal safety and the protection of the rights of the church. Two cardinals were hastily despatched to the imperial headquarters to ascertain the dispositions of the emperor-elect. They were met by commissioners from the latter to obtain information as to the nature and ceremonial of the reception he might expect. The first point agreed upon was the sacrifice of Arnold of Brescia to the pontifical vengeance. The boon of blood was cheerfully granted; and a detachment of troops was hastily despatched to seize the bodies of the heretic and his protectors. These persons, alarmed by the capture of one of their number, consented to the betrayal of their guest, and permitted him to fall without resistance into the hands of the papal emissaries.[q] The latter, in the name and behalf of Christ's representative on earth, lost no time in embruing their hands in the blood of their victim. With a view to obviate any popular commotion, the martyr of civil liberty was dragged, before break of day, to a stake erected outside the Porta del Popolo, where his mortal body was reduced to ashes, and the remains cast into the Tiber, lest the possession of the smallest relic should keep the people in mind of their martyred friend, and administer a standing rebuke to his murderer.

Martyrdom of Arnold.

[o] From which, however, he was speedily delivered by the aid of two Campanian nobili of his party.

[p] Authorities as before. And see *Baron.* an. 1155, § 2, 3, 4, p. 83, 84, from a Vatican codex.

[q] *Cod. Vatican.* ap. *Baron.* an. 1155, p. 84.

Awakened by the blaze of the pile on which their leader was expiring, they flew to arms; but the disorderly multitude was swept back by the soldiery, and Arnold, like the Master whom he served, perished by the hand of the scribes and pharisees of his day.[r]

Reception of Frederic by Hadrian IV.

Thus propitiated, the pontiff for the moment dismissed his suspicions, and consented to meet the Emperor upon a general promise to warrant him and his curia against personal injury, to maintain the Holy See in possession of all her lawful rights, immunities, possessions, goods, and chattels, and to restore all those that had been illegally withdrawn, stolen, or alienated. But certain ceremonial arrangements, it seems, had been overlooked; Frederic respectfully advanced to meet the pontiff to the door of his tent; but, to the inexpressible scandal of Hadrian and his attendants, he omitted to hold the stirrup of the Pope on descending from his palfrey. On this first symptom of disrespect and insubordination the whole curia took to flight, and never drew bridle till they were safely lodged within the strong castle of Civita Castellana, leaving their indignant master, if such should be the imperial pleasure, to the fate which befel his predecessor Pascal II. in the hands of the recreant Henry V.[s] Deserted by his officers and friends, the pontiff resignedly seated himself on the throne placed for him at the head of the tent-chamber; the Emperor, without noticing the flight of the cardinals, bent down and devoutly kissed the feet of the Pope, rising again to receive the kiss of peace. Somewhat reassured by this dutiful demeanour, Hadrian drew back, declaring that "as the king had declined the honours due to the apostles Peter and Paul, there could be no peace between them till he had discharged that duty to the letter." A council was called, and a search for precedents ordered: upon the report of the commissioners it was found that

Neglected ritual.

[r] *Otto Freising.* De Gest. Fr. I. lib. ii. p. 720.

"Die Wenigen die was davon (des Menschen Geist und Herz) erkannt,
Die thöricht g'nug ihr volles Herz nicht wahrten,
Dem Pöbel ihr Gefühl—ihr Schauen offenbarten,—
Hat man von je gekreutzigt und verbrannt."

Goethe, Faust, ed. 1838, p. 39.

[s] Conf. Book xi. c. vi. p. 625 et sqq.

the papal demand was in conformity with ancient custom, and therefore ought to be complied with. Accordingly, on the following day, the ceremony of the reception was rehearsed, and the ancient ritual scrupulously observed. The Emperor advanced about a stone's throw to meet the Pope, took his bridle in hand, and dutifully held his stirrup when he dismounted.[1]

Bombastic address and complaint of the Romans to the Emperor.

Hand in hand the spiritual father and the obsequious son continued their advance towards the holy city. Meanwhile the superstitious fears to which the citizens had so lately sacrificed the prophet of their new-born political creed, had given way to exaggerated indignation at the little regard their interests had met with at the recent conferences, and the insulting neglect of the customary assurances to the holy city in the arrangements for the ensuing coronation. The senate and consuls met in the Capitol, the equestrians and the plebs in their comitia, and voted a solemn deputation of congratulation and complaint to the emperor-elect. The deputies found the advancing imperialists not far from Sutri, and were conducted to the presence of the Emperor and the Pope. "They had to come," they said, "in the name of the mother and mistress of the cities of the universe, to congratulate the Emperor upon his approach, as the great patron of their state, and to assure him of the supreme delight with which they proposed to *confer upon him* the inestimable crown of empire. But now," they continued, "that we have cast off the degrading dominion of the priests, it is more than ever incumbent upon us to hail your arrival, and for you to confirm and strengthen us in the enjoyment of all our ancient rights and privileges: 'therefore,' saith the queen of cities, through her senate and people, 'let the privileges of the metropolis of the world stand fast for ever! Let her ancient glory return unto her! By you, O Cæsar, let the sceptre be restored unto her, that in her majesty the pride of the earth may be humbled! For hath not heretofore the wisdom of the senate and people of Rome

[1] *Card. Aragon.* et aliorum Vitæ Pontif. ap. *Murat.* iii. p. 442. Conf. *Baron.* an. 1155, § 5, p. 84.

achieved the conquest of the world? Was it not by the valour of her knighthood, the courage and discipline of her plebs, that she extended her empire from sea to sea? By some malignant influence indeed that empire hath been ravished from her; let it be your glory to restore it to her in revived majesty. Confirm my senate,' saith the holy city; 'establish my equestrians, that by and through them you may, after the example of your great predecessors, rebuild the empire in all its glory: be this your enviable task! Let this be the object of your fondest ambition: for her privileges are your privileges—her honours your honours.' And now hear, O prince, what those privileges are, and what they ever have been. You are now but her guest; she raiseth you to be her chief. You are as yet but a stranger from a far country; she *maketh you her sovereign.* That which was hers she giveth unto you; for all this she calleth upon you to warrant to her magistrates all the good customs and ancient laws conferred upon her by your imperial predecessors; to grant to the *great officers, who shall proclaim the imperial majesty from the Capitol, when you shall have received the crown, a largess of five thousand pounds of silver;* and to engage, even unto the shedding of blood, to repel all injury to the republic, and by deed under your sign-manual, confirmed by a solemn oath and covenant, to maintain and uphold all these and other privileges of the republic."

Preposterous demands of the Romans.

It is creditable to the Emperor that he maintained both his countenance and his temper while listening to this flatulent oration. "He had," said he in reply, "heard and read much about the wisdom of the ancient Romans, but assuredly there was little wisdom in the arrogant and insipid effusion to which they had treated him. Like all sublunary things, Rome had undergone her revolutions: her glories had of old taken flight to Constantinople, and her wisdom to the winds; since then Rome had been drawn dry by ravenous Greeks —the barbarians had emptied her of all her ancient races and families, and left nothing behind to represent her

Reply of the Emperor.

pristine constitution; the glory, the gravity, the wisdom, the dignity of the senate and people, the valour and training of the equestrian order, the discipline of the army, had all vanished together. Now look around you," he continued; "here, in this presence, you will find all these things. Here in *us* behold your senate, your knighthood, your army; to *us* all these things have descended with the sceptre of the empire. Yet you tell me that my call proceeds from *you!* that *you* made me your citizen and prince! that *you* propose to confer upon me what never was yours to give! Italy and Rome are mine by the right of conquest; for by the hand of my great predecessors was Italy and Rome brought within the wide circumference of the empire; but, say you, my predecessors, like myself, were freely called and adopted by you. Yes, as the fortunate are patronised by the ragged; as the strong may be presumed to lean upon the weak! By the arm of my power I made myself your prince, and by that power I incorporate you into my empire. Let him who is strong enough to wrest his club from Hercules make the attempt to take you out of my hand! Will the Sicilian, think you, undertake the task? Now, as to your privileges, know that it is for the prince to give laws to his subjects, not for the subjects to prescribe them to the prince. Your possessions, and all that you can properly call your own, are yours already; your proper customs and privileges granted to you by my predecessors, I have no mind to disturb; what need then of oaths to confirm or preserve them to you? for it is my great duty and prerogative to insure to all, even the lowest of my subjects, their legitimate rights. Why, then, should I be called upon to reassure them to the citizens of my capital, the chief city of my empire? But you dare to ask me to buy your sweet voices with money! Out upon the base suggestion! You Romans demand from your sovereign what a common drudge would hardly dare to propose to his master. Why should I buy you? Am I your captive, that I should pay you ransom? Am I not here in my majesty, surrounded by my invincible hosts? The king of the Romans is no man's debtor, though all be his

creditors for those graces which gladden the hearts of his faithful subjects; and shall I not pay my debt to the citizens of Rome, when in peace and festivity I shall enter their city, as my predecessors have done before me? But he that demands what is wrongful may rightfully be denied even his just claim."[u]

Advance of the Emperor to Rome.

There was in this speech food for uneasy reflections both to the petulant Romans and to the Pope. The sequel, however, proved that there was more pluck about the former than their vaunting address might have led him to suspect. After the reply of the Emperor, it was no longer doubtful that the Romans would close their gates against him; and he hastened by a forced march to possess himself of the Transtiberine city and the church of St. Peter. This operation was effected before the Romans could collect a sufficient force to dispute the entrance of the imperialists. On the following morning by sunrise the rest of the army was in motion; the Pope preceding the Emperor, to be prepared for the ceremony of the coronation. The bridge over the Tiber was in the mean time strongly barricaded, with a view to prevent the enraged populace from interrupting the ceremony. The Pope, in the usual form, received the Emperor-elect in the vestibule of the church, and invested, anointed, and crowned him according to the prescriptive ritual, amid the customary acclamations of the curia, the priesthood, and the army; after which he rode forth with imperial robe and crown, and retired to his tent to escape the heat of the day, and to refresh himself after the long morning's march and the fatiguing ceremony which followed it.

His coronation.

Insurrection of the Romans, and danger of the Pope and Emperor.

But by this time the news of the reception the deputation had met with had circulated through the city. The people thronged to the Capitol, and there learnt that at that very moment the coronation rites were in the course of performance in their absence and without their consent. In the first paroxysm of their anger, they beat to arms, forced the barriers of the bridge, and penetrated to the enclosures

[u] *Otto Freis.* ubi sup. lib. ii. c. xxii. p. 720.

which surrounded the church. The pontiff and the cardinals were still tarrying within the sacred building, and no time was to be lost in rescuing them from the imminent peril. Taking the command of the nearest battalion, the Emperor charged in person into the midst of the rebel ranks, and throughout the day found himself several times in danger of being overpowered by the number of fresh combatants issuing from the city and the Transtiberine region. At length, however, he succeeded in driving the rebels back into the city.[v] But the bridge was not recovered, and not a combatant of the imperial army penetrated into the city. The next morning after their barren victory, the Emperor and the Pope evacuated the Transtevere, and retired to the Tiburtine hills. By extraordinary activity the Romans managed to cut off the supplies of the imperial army. The heats of the southern summer had already thinned the ranks and depressed the spirits of the northern soldiery. The army clamoured for retreat, and the reluctant Emperor was compelled to turn a deaf ear to the urgent demand of the Pope for the condign punishment of his Roman and Norman foes; a duty which he declared to be paramount to all regard for physical suffering, or even for life itself. But as soon as the intelligence of the distress of the army and its reduced numbers was bruited about in the north, a spirit of disaffection among the Lombard cities threatened to bar the passage, and it became necessary to press the retreat of the army. The several columns in the end effected their return without further impediment, with the exception of that commanded by the Emperor in person. By the treachery of the citizens of Verona he was decoyed into a position from which escape seemed almost impossible; but by able movements and extraordinary gallantry he succeeded in extricating him-

They evacuate Rome.

Retreat of the Emperor.

[v] This seems to be the amount of the advantage gained. It is impossible to give credit to the account of Otto of Freisingen, who would have us believe that more than a thousand rebels perished on the spot, not counting 200 prisoners, and many others who were drowned in the Tiber, with a loss to the victors, in a nine or ten hours' continuous combat, of only one man killed and one missing!

self, punishing his enemies, and reaching his Germanic dominions in honour and safety.[w]

War between Hadrian and William of Sicily.

But honour was all that had been gained in this abortive expedition. Such substantial fruits as it may have produced were all reaped by the Pope. Some rebellious cities had been reduced by the arms of the Germans, and transferred to the pontiff. Rome was as inaccessible as ever; but the terror of the imperial arms had enabled Hadrian to reinstate Robert of Capua and the exiled barons of Apulia. The advantage, however, was shortlived; Hadrian became involved in a critical warfare with William I. of Sicily, son and successor of Roger II., who had died in the year 1153. In conformity with the treaty concluded at Beneventum between his father and pope Innocent II.,[x] William, at his accession, applied to the Pope for a confirmation of the treaty, and for his admission to homage and fealty as a feudatory of the Holy See. Hadrian, however, repudiated the treaty on the ground of unhallowed duress[y] upon the sacred person of the pontiff. Neither menace nor services rendered by William to the Holy See against the rebellious Romans availed to procure his recognition either as king of Sicily or duke of Apulia, and an open rupture with the Pope became unavoidable.[z] The pontifical territory was laid waste up to the walls of Beneventum. The gallant resistance of the citizens and garrison, however, compelled William to raise the siege, with the loss of a great portion of his army. His government was unpopular; and Robert of Capua, in conjunction with the exiled barons of Apulia, were enabled to recover their possessions. The weakness of the Sicilian afforded

Defeat of William.

[w] This account of the first campaign of Frederic I. in Italy is collected from the copious narrative of *Otto of Freisingen*, De Gest. &c. lib. ii. c. 22-26, ap. *Murat.* vi. p. 710-727. Conf. *Card. de Aragonio*, Vit. Pont. *Ibid.* iii. p. 442. The narrative of Otto must be received with caution. His partiality for his hero seduces him into exaggeration, and gives ground to suspect both suppression and misstatement.

[x] See c. i. p. 27 of this Book.

[y] The successors of Innocent, Cœlestine II., Lucius II., and Eugenius III., had uniformly disallowed and repudiated the treaty.

[z] Probably the rupture was courted by Hadrian, who at that time lived in daily expectation of the advent of Frederic I., and the anticipated annexation of the rich provinces of the south to the patrimony of St. Peter.

the Greek emperor, Manuel Palæologus, an opportunity to exact vengeance for the manifold injuries and insults he had sustained at the hands of the Normans. A fleet and an army attacked the maritime cities of Apulia. Brundusium and Bari were taken by the Greeks; the Pope and the insurgent barons were enabled by a large subsidy to keep the war alive; and shortly there remained to William, of all the rich territories of the south, only the five cities of Naples, Salerno, Amalfi, Troja, and Melfi, with a few smaller places and fortified posts.[a]

William recovers his lost territories.

The papal ban and interdict added to the difficulties of the Sicilian prince. No effort was spared by William to bring the Pope to terms. The offer of a bribe to desert his allies, even to a greater amount than the subsidy of the Greek emperor, had almost proved too strong a temptation to the cupidity of Hadrian. But the curia stepped in to the rescue of his integrity; and all terms short of the absolute relinquishment of the Apulian provinces were contemptuously rejected. But William was not deficient either in activity or courage. In an unexpectedly short time he collected a fleet and an army; the Greek armament at Brundusium was attacked, dispersed, and almost annihilated; their generals were taken prisoners, and their treasures transferred to the royal coffers. Severe retribution was executed upon the insurgent barons, many of whom perished on the gallows or the scaffold; and within a few weeks the revolted districts had returned to their allegiance without a single exception.[b]

The Pope besieged in Beneventum.

By this sudden turn in the tide of affairs, the position of the Pope had become almost desperate. Shut out from Rome, his late friends flying for their lives, and unsupported by any foreign or domestic ally, there remained to him no alternative but to throw himself into Beneventum, where he was shortly afterwards closely besieged by king William, with a

[a] *Romuald.* Salern. Chron. an. 1154, ap *Murat*, vii. p. 191, 196, et sqq.

[b] *Romuald.* Salern. Chron. ubi sup. p. 199. Vit. Pont. a *Card. Aragonio*, ubi sup. iii. p. 445. *Guliel.* Tyr. Archiep. Hist. lib. xviii. c. 8, ap. *Historiens des Croisades*, i. p. 830, 831.

force, against which there remained no chance of a successful resistance. Reduced at length to extremities by famine and desertion, no prospect even of personal safety was left but to submit to the terms of the conqueror. The curia, it seems, had not wholly lost courage, and Hadrian found it necessary to proceed with caution. A secret negotiation was therefore set on foot, and terms of accommodation were speedily arranged, to be kept in the dark for the moment; while, to save appearances, two cardinal legates were despatched to the court of the king with a severe monition to abstain from further encroachment upon the sacred rights of the Holy See. The sham rebuke was received by William with every outward token of profound humility. An interview with the pontiff was arranged to take place at the church of St. Marcion outside the walls: the king appeared in the sacred presence with the dejected countenance of a penitent; the absolution and kiss of peace were given, and the prince, humbly kneeling at the feet of the pontiff, repeated the customary oath of vassalage. At this stage of the ceremony the articles of the treaty were, for the first time, made public: the king was solemnly invested with the kingdom of Sicily, the duchy of Apulia, and the principality of Capua, by the delivery of three flags or pennons, the cession comprising all the territories at any time conquered or claimed by the king's ancestors as appurtenant to the principalities ceded.[c]

Negotiation.

Treaty of St. Marcion.

A tribute of six hundred sequins was reserved for the duchies of Apulia and Calabria, with an additional five hundred for the outlying districts or marches. On behalf of the clergy of the ceded provinces, an offensive article, limiting the right of appeal to the Pope, was passed *sub silentio*. Hadrian breathed more freely. Yet had he, with hypocritical grimace, and for a hollow and almost worthless consideration, betrayed his friends, abandoned his clients, forfeited his most sacred obligations, and reversed his own most recent and solemn engagements.[d]

[c] See the treaty ap. *Baron.* an. 1156, § 4, p. 99.

[d] *Romuald.* Chron. Salern. ubi sup. *Vit. Pont.* ap. *Mur.* iii. p. 445. *Guliel.* Tyr. Archiep. ubi sup. p. 831. *Baron.* an. 1156, § 1-3, p. 98. The cardinal

With the exception of the unfortunate prince Robert of Capua, all the expatriated gentry and nobility of Campania and Apulia found a ready and a hospitable reception at the court of the emperor Frederic.[e] If that prince had ever entertained the expectation that the most profuse expenditure of time, of blood, or of money would meet with any requital or indemnity it might suit the Roman pontiff to withhold, he had seen enough during his intercourse with pope Hadrian to undeceive him. Both the spiritual and the temporal monarchs in their hearts rejected the notion of any parity of dignity in their respective positions. To the Emperor and his subjects the imperial diadem was the object of as devout a reverence as the pontifical mitre to the Pope and his court; and the most trivial ceremony that might imply a preëminence on either part left a sting behind it that rankled in the breasts of both. Frederic did not fail to regret the hasty impression which had induced him to veil the imperial majesty before the Pope at Sutri. Hadrian, at the same time, had arrived at the conviction that the Emperor was not to be fashioned into an instrument of pontifical supremacy. He saw and comprehended that Frederic would insist upon his full share of all that he might purchase with the sweat of his brow, the blood of his subjects, and the treasures of his empire. Hadrian was irritated and disappointed that the Emperor had declined to risk his last stake in the desperate attempt to subjugate the Romans, and to conquer for him the Abruzzi, Campania, and Calabria. The latter can hardly be supposed not to have noticed with

Resulting relations between the empire and the papacy.

asks, in exculpation, how was it otherwise possible for Hadrian to save himself or his friends? But how, if he had hurled the thunder of the church at the head of the recreant king, and awaited his fate in silent resignation? Bad as he was, William would have been an idiot to commit any kind of outrage upon the person of the Pope. But the spirit of martyrdom was not in him; pope and curia bore in this respect a remarkable resemblance to their turbulent subjects the Romans. Self-sacrifice was no part of their bargain. The "utilitas ecclesiæ," whether urged on the part of a pope or of his church, cannot be admitted as an excuse for knavery, any more than political expediency can be urged in extenuation of the crimes of secular princes.

[e] Robert of Capua was betrayed to his enemy William the Bad, by whom he was conveyed into Sicily, blinded, and confined in a dungeon for life. *Guliel.* Tyr. Archiep., ubi sup. Conf. the pathetic lament of the Archbishop over the fate of these unfortunate gentlemen.

shame and indignation the meanness, venality, and insolence of the pontifical curia at this very point of time, so ably exposed, in the very face of the church, by our countryman John of Salisbury.[f]

Claims of the empire upon the Norman feoffs of Southern Italy.

Meanwhile the Apulian exiles at the court of Germany had placed the late transaction between Hadrian IV. and William of Sicily in no favourable light before the Emperor. He could hardly be ignorant that the ancient Lombard duchies, extending latterly to the extremity of the peninsula,[g] had been from the age of Charlemagne regarded as part and parcel of the empire, as fully as the city of Rome itself and the so-called patrimony of St. Peter. It was equally notorious that the first Norman settlers in Apulia had been established upon the imperial soil by two successive emperors, Henry II. and Conrad II., as protectors of that frontier against the piratical Greeks and Saracens,[h] and that these adventurers had gradually enlarged their acquisitions in their wars against the enemies of the empire, till, in the year 1022, pope Leo IX. took upon himself arbitrarily to invest Robert Guiscard, the descendant of the first conquerors, with all his acquisitions, as feoffs of the Holy See. But the public law of Europe devolved the right of investiture in the case of acquired, as well as of heritable, territory upon the superior lord of the fee; and the election of the Norman chiefs to hold under the See of Rome, rather than under the Emperor, was, from the beginning, impressed with a character of illegality. In this view of the matter, therefore, the pretensions of the popes were a pure usurpation, and beyond doubt it was so presented to the mind of the Emperor by the exiles at his court.[i]

These partisans represented to Frederic, that as the Sicilian interest was now in the ascendant at the papal court, William I. would certainly spare no pains to create a breach between the pontiff and the emperor; they were,

[f] *Baron.* an. 1156, § 12-16, p. 103.

[g] With the exception of the scattered districts held for a time by the Greeks.

[h] See Book ix. c. ii. p. 39 of this work.

[i] Conf. *Giannone*, Stor. civil. di Napoli, book xi. But Giannone goes further, and insists on an original, legal, and natural independence both of pope and emperor on behalf of his country.

they said, credibly informed that Hadrian intended to excommunicate him. In fact, the diplomatic language of the Pope had undergone a marked change since the divorce of Frederic from his first wife, Adelaide of Vohburg, and his marriage with Beatrice of Burgundy, shortly after his return from his late campaign in Italy. A rebuke in harsh and unseemly terms was conveyed to the German monarch; a treatment he was just then little inclined to put up with. At the same time the increasing apprehensions of the power of the Emperor and of his designs upon Italy and Rome[j] made the Pope more desirous than ever of drawing closer the alliance with the Norman power, and reconciled him to the mortification which the late compulsory treaty of Beneventum had inflicted.[k]

Growing alienation of Emperor and Pope.

The curia was, at the same time, under alarm at the growing influence of the Emperor in the churches of Germany. Hitherto the successors of Calixtus II. had laboured with some success to set aside the obnoxious concordat of Worms. It was deeply apprehended that, if the elections were suffered to be taken in hand only in the presence of the Emperor, and the investiture of the temporalities to precede the consecration, so that the pontifical confirmation were made to depend upon the pleasure of the prince, the ground would crumble away beneath the papal pretensions; and the golden harvest to be reaped from appeals, collations, reservations, and roving commissions would be withdrawn from the hungry curia.[l] The popes, since the cowardly and illegal renunciation of Lothar, had taken the revocation of the treaty of Worms for an accomplished fact. The Emperor felt the necessity of putting a practical negative upon this strange presumption, and at the same time of checking the practice of surreptitious collations, vexatious appeals, and predatory excur-

Rupture between Emperor and Pope.

[j] Not unlikely to have been suggested by some passages in his speech to the Roman delegates at Sutri. See p 70 of this chapter.

[k] *Otto Freis.* lib. ii. c. 30, ubi sup. p. 733. *Dodechin*, Cont. Chron. Mariani Scoti, an. 1156 and 1159, ap. *Pistorium*, Ss. Rr. Germ. i. 677. Dodechin tells us that the Pope fully intended to excommunicate the Emperor, but that he was prevented by death. Conf. *Baron.* an. 1156, § 9, p. 102.

[l] See *Otto of Freis.* lib. ii. c. 32, 33, ubi sup. p. 736, 737. *Raumer*, ii. 73.

sions upon his churches, which had grown up in the reign of Lothar, and was to some extent winked at in the troubled reign of Conrad III. In the exercise of the prerogative secured to the crown by the treaty of Worms,[m] Frederic took upon him to decide disputed elections, and even to give judgment in an appeal touching the choice of a prelate to fill the great metropolitan see of Cologne.[n] Doubtless an act of so decisive a character gave great offence at Rome. An opportunity for fastening a quarrel upon the Emperor, which promised better results, soon presented itself. It happened that the Swedish archbishop of Lund, on his journey from attending upon the court of Rome, had, in the lawless fashion of the age, been taken prisoner, robbed, and put to ransom by a noble freebooter of Burgundy. An offence of deeper dye was hardly to be found in the catalogue of ecclesiastical crime; and Hadrian, with characteristic intemperance, resolved, without further inquiry, to pour out the vials of his wrath on the head of the Emperor; for which duty two of the boldest disciples of the Gregorian school, Roland—afterwards pope by the name of Alexander III.—and Bernard, cardinal of S. Clemente, were selected.

Affair of the archbishop of Lund.

The two legates made their appearance at a diet of the empire holden at Besançon in the Franche Conté. They were courteously received, and respectfully requested to open their message from the holy father. After the usual salutations, the letters were found to contain an indignant description of the sacrilege perpetrated on the person of the archbishop, and to convey, in a tone of intemperate vituperation, a broad insinuation that the Emperor—if he had not connived at the crime—had at least abstained from redressing the injury and punishing the delinquent. Taking this state of the facts for granted, the Pope proceeded to

Insolent message of the Pope.

[m] "That the Emperor be at liberty, by the advice and consent of the metropolitan and comprovincial bishops, in cases of disputed elections, to pronounce in favour of the person who should appear to him to have the best claim." Book xi. c. 7, p. 672.

[n] *Otto Freis.* lib. ii. c. 32, 33, ubi sup. p. 736, 737.

hold up the mirror to the Emperor, and to call upon him to say what an image of ingratitude and obduracy he there saw reflected. "Pause, most noble son," he wrote; "reflect, and bring before your mind's eye how that but a twelvemonth ago your holy mother the Roman church received and adopted you! *To what a plenitude of glory and honour she lifted you up by* BESTOWING *upon you the crown of empire* . . . Nor think that we repent us of having thus fulfilled all your desires: yea, had it been in our power *to bestow even richer benefices* (beneficia), we, considering how great profit we ourselves and the church might derive therefrom, would have gladly conferred them. . . What enemy, then, hath sown the tares of enmity to us and the holy church in your heart, that you should allow the suspicion of participation in such a deed as this to rest upon you? Therefore, without hesitation or delay, give ear to the message conveyed to you by the holy men whom we have sent to confer with you upon this, as upon *other matters* pertaining to the honour of God and His church."

Stormy reception and dismissal of the Pope's legates.

The insinuation that the king and emperor of the Romans had been *collated* to the empire by the Pope as patron or suzerain, in the nature of a benefice, or as a feoff by the lord of the fee, was an insolence of presumption calling for instant punishment on the caitiff—be his rank what it might—who had dared to give utterance to the blasphemous pretension. The assembly was reminded that some time ago a picture had been seen upon the walls of St. Peter, representing an emperor of the Romans kneeling at the feet of a Pope, with the defamatory inscription:

> Rex venit ante fores, jurans prius urbis honores:
> Post, *homo* fit Papæ; sumit *quo dante* coronam.[o]

The mention of this offensive incident led to an alter-

[o] A free translation might run thus:
The king before the sacred gates appears;
To vindicate the city's rights he swears:
Then to the pontiff humbly bowing down,
Becomes *his man*, and *from him* takes [the crown.
"Homo fit Papæ," becomes the liegeman of the Pope; "sumit quo dante coronam," and takes the crown as a vassal from the lord of the feoff. Such was the legal effect of the words.

cation of extraordinary violence. In the midst of the tumult one of the legates sarcastically inquired, "From whom, then, if not from the pontiff, doth your emperor hold his crown?" Another moment, and the insolent prelate would have dyed the chapel-floor with his blood. Earl palatine Otto of Wittelsbach drew his sword to slay the blasphemer; and but for the intervention of the Emperor a political crime not unlike that which, about fourteen years afterwards, was committed on behalf of Henry II. of England, might have served the turn of the Pope more effectually than all the arts and denunciations of pontifical diplomacy. At the instant command of the Emperor the sword of the earl was sheathed; the tumult was stilled; in profound silence the legates were removed to their quarters; and on the following morning at break of day hurried off homewards, with the strictest orders to their escort not to permit them to deviate a hair's-breadth from the beaten road towards Rome.

The Emperor's vindication of his treatment of the legates.

Frederic lost no time in publishing to the world a vindication of his own conduct, and his treatment of the legates. "When," said he, "you call to mind that almighty God, through our Lord Jesus Christ his Son, *committed to us the government of church and empire*, and imposed upon us the duty of *keeping His peace on earth*, it must surprise you to find that the head of the church to whom He gave His peace hath made himself a hotbed of mischief which overspreads the whole area of Christendom like a noisome pestilence, polluting His church, dividing the unity of the faith, and creating a schism between the temporal and the spiritual state. The pontiff informs us that the insignia of empire *were bestowed upon us* by his hand--that he was ready and willing to confer upon us even greater *benefices* than these, if in his power, in order that thereby more important profit might accrue to himself and the church. Such was the indignation this impudent falsehood excited, that, had we not instantaneously interposed, the two presumptuous priests who bore the message to us would have paid for their temerity

with their lives. Moreover, there was found upon them many *written papers and sealed writings* drawn up with blanks, to be filled up at pleasure, whereby they were empowered to practise their pernicious tricks in every church of the realm, denuding the altars, carrying off the sacred vessels, stripping the crosses of their valuable ornaments.[p] To prevent further mischief, we have taken good care to send them back by the way they came, without permitting them to swerve to the right or the left. Therefore, let all men take notice that we, by and through the election of our princes, *do hold the crown of the kingdom and the empire from God alone;* and that whosoever shall say that our lord the Pope *hath bestowed upon us* the imperial diadem, be he who he may, *lieth in his throat.* To this end let all our bishops with one consent proclaim this principle, and give the pontiff clearly to understand that we, and all of us, would rather sacrifice our lives than allow such an opprobrium to pass unreproved—such a leaven of disorder to transfuse itself into the life-blood of church and state."

An ordinance which accompanied this vigorous declaration of right gave even a greater shock to the Pope and his friends than the dismissal of the legates. By an edict of the Emperor clerks and monks of every degree were strictly prohibited from wandering backwards and forwards to Rome; and pickets were posted in the Alpine passes, with orders to arrest and turn back all vagrants of that description, unless furnished with proper certificates from their superiors specifying the causes of their journey and the nature of their business at the court of Rome.[q] In his reply to the imperial circular, Hadrian IV. selected this ordinance as the principal subject of complaint and reprobation. A rescript addressed to the Germanic pre-

Frederic prohibits unlicensed visits to Rome.

[p] These letters and writings were probably no other than blank commissions of inquest and visitation, empowering the itinerant legates and their emissaries to extort money from abbeys and ecclesiastical foundations.

[q] The multiplication of appeals to Rome had by this time become a standing nuisance in every country connected with the Latin church. The vagrancy complained of was a consequence of the itinerant legations, to which the intrigues of the vagrant clergy supplied food and pretext.

lacy affected to exonerate the latter from all participation in this iniquitous edict. "The guilt," he said, "must rest entirely on the shoulders of the Emperor: he could not, therefore, entertain a doubt that they would do their duty to the church, by compelling a revocation of the edict, and demanding, on behalf of the insulted legates, a satisfaction as public as the injury itself."

Reply of the German clergy to the papal complaint.

The German bishops, however, were too glad to be relieved from the vagrancy of their clerks, and the irksome domiciliary visits to which it exposed them, to see through the mists which just now obscured the brightness of Roman virtue. In reply to the papal monition, they confessed that, "for their own part, they had been much shocked by the message of the two right reverend legates: nor were they greatly surprised at the indignation it had called forth on the part of the Emperor and the laity: for their own part, they had adopted two rules for their own government; to wit, the laws of the empire and the good customs of their predecessors: to the pontiff, as their spiritual father, they would give all due obedience; but *as to the imperial crown, they must acknowledge it to be held of God alone*, by the election of the princes and the practice of the constitution: the legates, they protested, had not been dismissed in contempt of his holiness, but on account of those suspicious papers and documents they had brought with them, and for that alone it was that they were not allowed to wander all abroad in the kingdom: and as to the prohibition of the kind of vagrancy so common among their clergy, it was not intended to impede the regular action of ecclesiastical government, but simply to protect their churches against those abuses by which they had been oppressed and impoverished,[r] and their claustral discipline had perished: they regarded church and empire as one body, and could not therefore believe that the Emperor intended the ruin of either: the Pope, however, had given reason to suspect that he entertained no friendly disposition towards the Emperor; for had he not set up and maintained a

[r] Legatine commissions, to wit.

picture and superscription derogatory to the imperial crown? Could it be expected that so offensive a symbol should remain unresented? But there were other matters, touching *certain compacts with Roger and William of Sicily*, which lay beyond their competency to treat of, but which must have engaged the attention of their sovereign. The Emperor indeed had, in their view, conducted himself throughout with all humility and a sincere love of peace: he had spared no pains to protect the legates against the consequences of their own rudeness and insolence. They therefore besought his holiness to have compassion on their infirmities, and, like a good parent and pastor, by milder language, and by avoiding encroachments upon the rights and dignity of the crown, to preserve the peace of their church."[s]

The explanation of the Pope.

The receipt of this document appears to have convinced Hadrian of the indiscretion of the two fiery prelates to whom he had intrusted the late commission. Two cardinals, of more moderate opinions and more tractable tempers than Roland of St. Mark and Bernard of St. Clemente were chosen to represent the see of Rome at the imperial court. After an adventure, characteristic of the times, which befell them at the passage of the Tridentine Alps,[t] the new legates were admitted to an audience at Augsburg: they saluted the Emperor in the name of the pontiff and court of Rome, as the "right well-beloved son of St. Peter, *the lord paramount and emperor of the city and the world.*"[u] The pontiff was grieved that he had fallen under the Emperor's displeasure: he had heard

[s] *Radevic. Freising.* Contin. Chron. Ottonis De Gestis, &c. c. 8-16, ap. *Murat.* vi. p. 745-756. *Baronius* (an. 1156, 1157) comments upon these documents in his ordinary blatant style.

[t] They were robbed and incarcerated by the rude marches of the frontier, but speedily liberated and indemnified by duke Henry the Lion of Bavaria. *Radevic.* ubi sup. c. 21, p. 754.

[u] "Dominum et imperatorem urbis et orbis." *Baronius* is violently shocked at Radevic's report of the audience: such words, he thinks, can never have been uttered; but must be ascribed to the partiality of the writer for his hero. The poet *Gunther*, in his 'Ligurinus,' he says puts more becoming words into the mouth of the legates: thus,

"Totaque Romani nunc maxima curia cleri
Te velut eximium regem dominumque salutant."

We prefer the historian's account to that of the poet: facts do not slide so easily into verse as might be wished: besides this, Radevic was probably an eye-witness of the scene he describes.

with great concern of the bad reception his legates Roland and Bernard had met with, but was now given to understand that it had arisen from the misunderstanding of the single word "*beneficium*:" yet upon reflection the Emperor must be sensible that this word ought not to have created so violent an emotion in his mind: the etymology of the word, reduced to its only proper and original signification—a benefit or good deed conferred—could not denote a feoff;[v] and in this sense surely all the world would agree that he had conferred a "benefit" when he placed the imperial crown on the head of the Emperor: it was therefore not his fault if perverse persons distorted the meaning of his words.[w] The Pope's letters concluded with a gentle remonstrance against the prohibition of familiar intercourse with Rome, and a recommendation of his legates to the favour and protection of the Emperor.[x] Ambiguous as it was on several points, the Emperor thought fit to accept the explanation as it stood. The legates promised that nothing should be done on the part of the Pope to detract from the honour and prerogative of the crown. Frederic professed himself satisfied with the assurance, and by way of caution called the attention of the legates to certain other matters, out of which, unless care was taken, much future trouble might arise.[y] What these other matters were, may appear in the next chapter.

The Emperor accepts the apology.

[v] But it *might*—which was enough for the Pope, and more than enough for the Emperor.

[w] "Contulimus tibi insignia imperialis coronæ."

[x] *Radevic.* ubi sup. c. xxii. p. 760.

[y] *Ib.* p. 761. The "other matters" not improbably related to the "compacts with William of Sicily.

CHAPTER IV.

FREDERIC I. AND ALEXANDER III.

State of Lombardy—Milan regains the ascendency—Submission of the Milanese in 1158—Diet of Roncaglia—Difficulties of government—Insurrection of the Milanese—Impediments to good legislation—Siege and capture of Crema—Preparations of the Milanese—Frederic fills vacant sees—transfers the estates of the countess Matilda to the duke of Bavaria—Intemperate address of Hadrian IV. to the Emperor—Frederic retaliates upon the Pope—Extravagant demands of the Pope—Soothing reply of the Emperor—Character of the papal demands—The renunciation of the treaty of Worms by Lothar not binding, &c.—Rejection of the papal demands—Epitome of the controversy—Death of Hadrian IV.—State of parties in the Sacred College—Election of Roland Bandinelli—Alexander III.—Character of the election—Victor IV.—Policy of the Rolandists—Policy of the Emperor—Contrariety of views of the connection between church and state—Imperial opinion—Pontifical opinion—Letters of the Emperor convoking a general council—his invitation to the rival popes—Reply of Alexander III.—Difficulties of the Emperor—Council of Pavia—Character of the council; its competency—Tendency of the Ghibelline principle of the union of church and state—Qualifications and policy of Alexander III.—Advice of the bishop of Lisieux—Excommunication of the Emperor—Pontifical vituperation—and specious imputation—Efforts of the Rolandist legates in England and France—their success in England—Difficulty in France; council of Toulouse—Ultimate success—Failure in Germany—Letters of Alexander to Eberhard of Salzburg, &c.—A single convert gained—Gains to the cause of Alexander—Difficulties of the Pope—Siege of Milan—Surrender of Milan—and flight of Alexander into France—Mediation of Henry of Troyes—Alarm of Alexander—he refuses to attend the proposed conference—Interview between the Emperor and the king of France at St. Jean de Losne—Tergiversation of Louis VII.—Flight of Alexander III. into Aquitaine—Breach of faith and flight of Louis VII.

Some account of the state of Lombardy at this point of time is necessary, to impart a clear view of the political position of the emperor Frederic Redbeard in the fierce struggle he was doomed to maintain against the spiritual autocrat whom he had so daringly provoked. The twofold key to that position was, in its *political* aspect, the maintenance of the imperial prerogative as settled by public law and immemorial usage; and in its *ecclesiastical* bearing, the upholding of the concordat of Worms, as the only remaining barrier against the persevering efforts of the Roman curia to effect a

State of Lombardy.

schism between church and state, and to slip through the breach into the absolute dominion over both. Upon these points pope Hadrian had, as we have seen, felt the pulse of the Emperor and churches of Germany rather roughly; and an unfavourable report of the symptoms had led to a more lenient treatment, with a view to avoid a premature development of the malady, and to prepare for those contingencies which might terminate either in the cure or—which to the court of Rome was pretty nearly indifferent—the death of the patient.

Milan regains the ascendency.

By a singular combination of courage, discretion, and good luck, the Milanese had escaped the fate of their allies during the first expedition of the emperor Frederic into Italy. That prince had scarcely turned his back upon the country, when the citizens of Milan set to work with extraordinary vigour to recover the hegemony among the Lombard cities, of which the Emperor had deprived them. They rebuilt Tortona, and repulsed the attempts of the Pavian league to obstruct the operation: they restored the bridges over the Adda and the Ticino, which gave them access to the territory of Novara and the estates of the markgrave of Monferrat.[a] The Pavian league were reduced, by successive defeats, to accept a humiliating treaty, which, under the name of alliance, denoted subjection to the dominant plebs of Milan. The inhabitants of Lodi were once more driven out of their city, and turned loose on the grudging hospitality of their neighbours: every friend or ally of the empire was treated as an enemy; and if reasons of state had not called the Emperor into the field, the cry of distress from his oppressed friends and subjects imposed upon him the duty of protecting them, and punishing the aggressors.[b]

In the spring of the year 1158 Frederic assembled an army of 15,000 men-at-arms and 100,000 infantry,

[a] The modern Piedmont and Savoy.

[b] On our first reading of *Sismondi's* account of these transactions, we felt some misgivings as to the impartiality of the writer. But at that time the means of verifying his statements were not at hand. The story of the treatment of Lodi—passed over by him in a short paragraph—must have revealed to him more than he was willing to admit. Rep. Ital. du Moyen Age, tom. ii. c. 9. Conf. *Raumer*, Hohenst. ii. p. 82.

and entered Italy by the passes of the Julian and Carnian Alps. The strictest discipline was maintained, and the troops well supplied with provisions, without resorting to burdensome quarterings or purveyances. The city of Milan was at once invested, and soon reduced to extremity by famine. In the absence of every prospect of relief, the citizens proposed capitulation, and obtained terms which left their civic autonomy untouched: a large pecuniary fine was imposed: they consented to recognise and respect all the customary rights and dues of the crown; to build within their walls an imperial palace of justice and revenue; and to deliver numerous hostages for the performance of these conditions. The delivery of the hostages and the payment of the fine was to be the signal for raising the blockade. After the submission of Milan, the Emperor rebuilt and fortified the cities of Como and Lodi, and restored to them their corporate government and privilege, as they had enjoyed them previous to their servitude under the tyranny of Milan. Frederic habitually regarded all laws as resting on the consent of those whom custom had invested with the right of making them. He accordingly called together a general assembly of the estates of Lombardy, including, as heretofore, the representatives of the great municipalities. When collected on the plains of Roncaglia, he proposed to them ordinances requisite to settle fluctuating usages, to put an end to private or civic warfare, to fix the revenues and services due to the crown, and to give the sovereign such a participation in filling the municipal magistracy as to bring them under some sense of responsibility to the central government, and afford a security of some kind for the due administration of law, and the maintenance of the public peace. The decrees as proposed were put to the vote, and carried without material opposition.

Submission of the Milanese in 1158.

Diet of Roncaglia.

The Emperor, however, though he might provide for the enactment of good laws, could not command the means for their execution. The reinstatement of the sovereign in his rights abridged the profits of all who had hitherto had the management of the public

Difficulties of government.

income. The administration of the revenue could not be intrusted to natives, in whose hands abuse and peculation had become habitual. A new class of executive officers, mostly Germans or other foreigners, unacquainted with the manners, habits, and even the language of the country, was therefore intrusted with this critical duty. In virtue of the decrees of Roncaglia, the Emperor claimed the privilege of nominating the podesta—mayor or chief magistrate—of all the municipia. The members of the Pavian league readily submitted to the imperial nomination. But when the turn came to the Milanese, they insisted upon the terms of the late capitulation, which secured to them the independent appointment of their own podesta and consuls, subject only to the imperial approval. To this it was replied, that the general law of the land, as established at the late diet, must supersede any particular and merely temporary concession or compact; and that the Milanese were bound, as members of the state, by an ordinance to which they themselves had given their assent in full parliament. In the heat of the altercation arising out of this demand, the populace flew to arms, and the Emperor's officers were glad to save their lives by a hasty flight. Tidings of these events reached the Emperor while he was celebrating the Easter festival at Bologna: the insurgents had suddenly assaulted and taken the castle of Trezzo, where the state-revenues collected in Lombardy had been deposited; and every Italian found within the walls of the fortress had been put to death as a traitor to his country. By this deed the nature of the contest was clearly determined. Accommodation was no longer to be thought of on either side; the ban of the empire was decreed against the rebellious city, with forfeiture of privilege, property, and personal liberty. Like desperate men, the Milanese prepared for the conflict with a resolution and foresight becoming their critical position and the magnitude of the stake played for.[c]

Insurrection of the Milanese.

[c] The incidents above shortly narrated have been collected from *Radevicus*, ubi sup. lib. ii. c. 21-32; *Gunther*, Ligurinus; *Otto Morena*, ap. *Murat.* vi. p. 956 et sqq.; and *Baron.* an. 1159, cum not. *Pagi.*

The emperor Frederic's idea of constitutional government was suited rather to the Germanic than the Italian temperament. A variety of impediments, attributable primarily to the character of the Italian people, and in a minor degree to the rudeness and rigour of the administration, stood in the way of his scheme for the government of his Cisalpine dominions. Though founded upon ancient right and prescriptive custom, the decrees of Roncaglia were, after all, a substitution of feudal subordination for that self-government which more than one age of wild independence had identified with the hopes, the habits, and the interests of the people. The feudal relations might still live in theory, or in the memory of lawyers and men of letters; but among the people they were already dead and gone.[d] The Lombards might for the moment have permitted themselves to be hoodwinked by the respect for existing privileges professed by those laws; but the rigorous—and it may be the vexatious—execution of the ordinances touching the revival and resumption of ancient dues, revenues, and services, soon revealed to them the whole extent of the burdens they were called on to submit to. They had never thought upon, and did not desire to be delivered from, the manifold sufferings which had attended their prior condition. They were perhaps more reluctant than ever to relinquish those intercommunal animosities and bloody private wars, on which they founded their pretensions to national honour and distinction among their countrymen. Frederic I. entertained some ideas, however rude, of constitutional government. His Italian subjects acted upon no principle but that of taking and holding fast all that, by fraud or trick, they could grasp and keep. Thus the Milanese and their confederates of Brescia, Piacenza, and Crema amused themselves with ravaging the territories of the rival cities of Cremona and Lodi, carrying off cattle and produce to fill their own stores against the apprehended vengeance of the sovereign.

Impediments to good legislation.

The military execution decreed against the Milanese and their confederates had been delayed for the arrival

[d] *Radev.* lib. ii. c. 5, p. 787.

Siege and capture of Crema.

of troops from Germany, to replace those which, in conformity with feudal custom, had been dismissed to their homes. A sufficient force, however, remained at his disposal to enable the Emperor to lay siege to the strong town of Crema. With the aid of Milan, the citizens and garrison defended their walls with admirable gallantry and endurance for a period of nearly seven months. The defenders expected no mercy; but the despair of twenty thousand devoted beings still remaining within the walls might, it was thought, cost their assailants more than the pleasure of vengeance or the advantage of example was worth. The citizens and garrison were allowed to depart with their lives and such portable property as they could carry away on their backs or in their hands; but their walls were demolished, and the city consigned to the flames.[e] By this time the imperial armies in Italy had swelled to an amount of men and stores unprecedented in the campaigns of the German sovereigns in that country. In the interim, the Milanese had strengthened their walls, collected an immense amount of provisions, and adopted the best means of defence their ingenuity and wealth could command. A body of forty thousand well-trained militia might suffice not only to secure them against the imperfect siege-tactics of the age, but to harass the flanks and rear of their assailants, to cut off their supplies, and to depress their spirits. They had, moreover, by this time, been made fully aware that the sword of excommunication was suspended over the head of their enemy, and that its fall—delayed only by the death of Hadrian IV.—if it failed to crush him, could not but add to his difficulties, and create a diversion of important advantage to their cause.[f]

Preparations of the Milanese.

Frederic fills vacant sees.

There is reason to believe that these acrid humours in Northern Italy had been busily fomented by the Roman curia. The Emperor's attention was meanwhile absorbed by the Herculean task of re-

[e] *Radevic.* lib. ii. c. 62, 63, p. 837.

[f] See the letter of the Ghibelline cardinals, ap. *Radevic.* lib. ii. c. 52, p. 828.

ducing into order the relations of his government to the cities and proprietary tenants of the kingdom. The rising republic of Venice placed itself with alacrity under his sovereign protection. The Genoese obtained equitable exemptions from burdens inconsistent with their maritime occupations, and the duty of protecting the coasts from the descents of the piratical hordes which haunted the seas. Frederic took upon him to supply the vacant bishoprics of Italy by a process closely resembling the modern Anglican *congé d'élire*. Thus he commended Guido de Blandrate, a deacon of the Roman church, to the chapter of Ravenna as their new archbishop; and promoted his chancellor Rainold to the metropolitan see of Cologne, in defiance of the remonstrances of Pope and curia. A more sensible affront to the pretensions of the court of Rome was inflicted by the imperial adjudication of the claim of duke Welf VI. of Bavaria to the estates of the countess Matilda of Tuscany. That prince demanded to be put into *the entire and undivided* possession of those territories, as the heir of the deceased countess. The high court of the empire pronounced in favour of the claim; and an inquisition was taken of all the lands of which the countess had died seized, the greater part of which were found to have since then passed into the hands of the adjoining temporal and spiritual proprietors. These persons clamoured in vain against the violence and injustice of the decision. Above them all was heard the voice of pope Hadrian, claiming, on behalf of the see of St. Peter, the reversion of the entire inheritance, as the testamentary legatee of the late countess, and protesting loudly against the imperial usurpation.[g]

Transfers the estates of the countess Matilda to the duke of Bavaria.

The irascible temper of pope Hadrian IV. disposed him bitterly to resent these repeated contradictions to his most cherished claims and pretensions. He arraigned the measures of the court and the administration of the Emperor—in some respects not without reason—in language of indecorous violence, and at length cast off all diplomatic courtesy in

Intemperate address of Hadrian IV. to the Emperor.

[g] *Radevic.* lib. ii. c. 10, ubi sup. p. 792. Conf. book xi. c. vi. pp. 609, 610.

his addresses to the sovereign.[h] These acts of disrespect were resented in language which, though not unbecoming, could not but sting the pontiff to the quick. The Emperor, in his replies, reclaimed the accustomed mode of address; a step which drew from the pontiff a reply of a disgracefully intemperate and arrogant character. "You have dared," he said, "in your letters, to place your name and title before our name and title; an act of insolence which demands instant redress: *you have sworn obedience to St. Peter and to us;* but what are we to say to your fidelity when we behold you exacting both fealty and homage from the sons of God (the bishops)—taking their consecrated hands between your profane hands[i]—refusing to our legates à latere the entrance into your churches[j]—and closing the gates of your cities against them? Repent, therefore—I say, repent!—lest, *holding your crown of our free grant*, by grasping at that which was not conceded, you forfeit that which *was* conceded."[k]

The Emperor retaliates upon the Pope.

A stinging reply from the Emperor reminded the pontiff, that all he or his church had ever possessed proceeded from the free grant of his predecessors; and that in restoring his name and title to its proper position in his correspondence with the Holy See, he had adhered strictly to ancient custom and observance: that the fealty and homage exacted from the bishops had regard only to their temporal possessions; the which, if it should please them to relinquish, there would remain no necessity for the ceremony complained of: that their Divine Master had commanded his disciples—among the rest Peter himself—to "give unto God the things which were God's, and unto Cæsar the things which were Cæsar's;" let them, then, restore their royalties to the state, or take upon them the duties

[h] *Baronius* (an. 1159, § 5, 6, pp. 121, 122) gives the letters *in extenso*. The Pope, in violation of diplomatic courtesy as hitherto observed, placed his name before that of the Emperor in the address: thus—"Hadrianus Episc. &c. Frederico Imperatori," instead of "Frederico Imperatori Hadrianus, &c."

[i] To wit, in the act of homage for the temporalities.

[j] In allusion to the late measures taken to repress the plunderings of the itinerant legates.

[k] "Quia cum *a nobis* consecrationem et coronam merueris, dum inconcessa captas, ne *concessa* perdas."

due in respect of the "things that are Cæsar's." "You reproach us," he continued, "for closing our churches and our cities against your legates; but why is this, but because we find them coming, not to preach and pray, but to cheat and to flay; not to make peace, but to make money; not as reformers, but as deformers of the church and the world. Let them come as the harbingers of peace, instructing the flocks, administering justice and equity, and pleading the cause of the humble and meek, and surely they shall want nothing we can give them; but is it not as great a disgrace to your charity as to your prudence, when you thus expose religion itself to the obloquy of the laity? It is for you to look to it, that when you complain of indignities, you do not cast a rock of offence in the way of those thirsting souls who long for instruction as for the refreshing showers of evening: as for ourselves, we dare not hold our peace when we see the deformed monster Pride obtruding himself into the chair of Peter."

Demands of the Pope.

The citizens of Brescia and Bergamo had quarrelled about the right to certain castles and lands which it is probable once formed part of the inheritance of the countess Matilda. The Emperor interfered, in the ordinary course of justice, to determine the dispute. Hadrian, in a paroxysm of fury, interdicted the imperial jurisdiction, and sent his prohibitory letters to the Emperor through a ragged knave, looking more like a beggar than a creditable messenger.[1] The well-meant interference of the venerable bishop Eberhard of Bamberg, and other moderate men, to avert the impending rupture, fell to the ground, and the breach was precipitated by the intemperate act of the pontiff. Two legates appeared at the imperial court of Bologna, with the following peremptory demands: *first*, that inasmuch as *all the magistracy, jurisdiction, and royal authority within the city of Rome belonged to St. Peter*, the Emperor should send thither no more officers of his own without the knowledge and consent of the Pope: *secondly*, that he should levy no taxes or supplies (*fodra*) within

[1] *Radevic.* lib. ii. c. 19, p. 802. The expression is "pannoso quodam."

the dominions of the Holy See, except on the single occasion of a coronation: *thirdly*, that the bishops of Italy should henceforth take no other oath than that of fidelity, *but on no account do homage* for their temporalities: *fourthly*, that no imperial commissioners should reside or be received into the episcopal palaces: and *fifthly*, that the territories of *Massa*, *Ferrara*, *Fighierolo*, *and all the possessions of the late countess Matilda*, comprising the districts lying between Aquapendente and Rome, *the duchy of Spoleto*, and the *islands of Corsica and Sardinia*, with all their rights, revenues, and appurtenances, be at once transferred to the Holy See in full sovereignty.[m]

Soothing reply of the Emperor.

The Emperor, however, returned a civil reply to these extravagant demands: As to some of the less important matters in the papal letters, he might, he said, give an answer offhand; as, for instance, with regard to homage; let but the bishops resign their temporalities as far as they held them as imperial fiefs, and he should require no homage: again, touching the residence of his officers in the episcopal palaces; whenever the buildings should be found to stand upon the freehold endowments or glebe of the church, the claim to exemption from these visits would be allowed; it was otherwise, if built upon imperial (feudal) ground. But as to the other matters submitted to him by the Pope, they were of so grave a nature that they could not be determined otherwise than by the advice and consent of the estates of the empire.[n]

Character of the papal demands.

The controversy of investitures was in fact set on its legs again, with the additional complications of a claim of *direct sovereignty*, on the part of the Holy See, not only over the city of Rome, but over a great fief of the empire, comprising precisely the most important districts of Central Italy. A proposal of a reference and arbitration upon the litigated points was rudely declined, and an intimation

[m] The required cessions would have given to the patrimony of St. Peter nearly all the districts it possessed before the late Italian revolution, excepting the islands.

[n] *Radevic.* lib. ii. c. 30, pp. 810, 811.

conveyed that nothing short of a pure and simple renunciation of the treaty of Worms, in accordance with the engagements of the emperor Lothar° to pope Innocent II., would be listened to. That treaty, it is alleged, guaranteed to the papacy the *regalia* of St. Peter, and stipulated for the reduction of the rebellious Romans to their *obedience to the Pope*. But the term "regalia" was susceptible of a double meaning: in the vague language of the age, it was used either to denote absolute sovereignty—the "dominium supremum"—or rights inherent in the crown, though occasionally delegated or enfeoffed to its grantees. If construed in the papal sense, the treaty operated to strip the Emperor of all those rights and prerogatives of sovereignty over Southern and Central Italy which public law and practical recognition had assigned to him as Emperor of the Romans; Rome, the capital of the empire, was lost; all the blood and treasure expended in the maintenance of the imperial dominion of the south was sacrificed for the benefit of the Holy See alone, without a shadow of material compensation. But this construction would not bear a legal examination. The common law, both in Italy and in Germany, assigned the "dominium supremum" of all the lands of the realm without distinction to the sovereign. This dominion was inalienable; though it comprised in itself a number of alienable attributes, — such as the judicial power, the privilege of coinage, the rights of taxation and revenue, the military command, and other administrative faculties, &c. All these were the subjects of grant, and—with the reservation of the duties of allegiance, attendance upon the court and councils of the empire, and military service—might be enfeoffed to the nominees of the crown; and when so granted out, still bore the name of the "regalia," as issuing directly out of the sovereign prerogative. All persons, corporations, or churches, which could show authentic grants or charters from the crown, conferring any of these regalia, or exempting them from the ordinary burdens of the state, became entitled to hold and enjoy such privileges

° See chap. i. p. 12 of this Book.

in the terms and on the conditions of the original grant; but always without prejudice to the "dominium supremum" (fealty, homage, and services), and revocable on a breach of the conditions imposed. The pontiff, however, in the teeth of the public law of Europe, claimed, by virtue of the ambiguous term "regalia," the "dominium supremum"—the absolute sovereignty—of lands which were, beyond dispute, part and parcel of the empire. The article of the papal demand touching the succession to the estates of the countess Matilda stood upon the same ground. Supposing it taken for granted that the deceased countess had the power to defeat the claims of her agnates, she could not bequeath a greater estate than she had; she was powerless to discharge her lands from the liabilities and duties to which they had been subject in her hands, as the pontiffs contended she had done.[p]

The renunciation of the treaty of Worms by Lothar not binding, &c.

The treaty entered into by the emperor Lothar was in no legal view binding on the emperor Frederic, even if the construction insisted on by the Pope was the true intent of the compact. Lothar could not alienate any portion of the empire without the constitutional assent of the estates of the realm. There is no pretence for saying that any such assent had been asked.

Rejection of the papal demands.

Frederic therefore rejected the treaty, and declared it void in a great council, at which the German and Lombard bishops, the barons and vavasors of Italy, and the envoys of the Roman people were present.[q] The severest blow to pope and curia was the public reception and entertainment of the Roman deputies. These persons had brought with them professions of dutiful allegiance from the senate and people of Rome to "the emperor of the city and the world."[r] Imperial commissioners accompanied them on their return, empowered to treat with the papal court for terms consistent with their autonomy, the just demands of the

[p] Upon the subject of the "regalia" of the Germanic princes, see *Eichhorn*, Deutsche Staats- u. Rechts-Geschichte, §§ 58 and 246.

[q] *Radevic.* lib. ii. c. xxxi. p. 311.

[r] "Urbis et orbis imperatori."

pontiff, and the honour of the empire. The pontifical court was immovable; and now, with the cloudy prospects which the state of the insurrection in Lombardy, and the alarm of William of Sicily disclosed to the Pope, he bent all his energies to the holy warfare. He drew closer his alliance with the king; he exhorted the Milanese to persist manfully in their resistance to their tyrant; and addressed a brief to the German prelacy, spreading before their eyes the whole scheme of the pontifical policy, and declaring open war against the Emperor, in terms which displayed such profound ignorance and irrational intemperance, as to lead to a suspicion of its genuineness, if we had not by this time acquired some knowledge of the peculiar temper of Hadrian IV., and the monstrous fables upon which he had been taught to ground the pretensions of the Holy See.[s]

With a view to render the position of the parties clearer to the reader, we epitomise the controversy as it stood at this point of time. "You," said the Pope, "have sworn to the Holy See, as your spiritual parent, to guarantee to her all the regalia of St. Peter in full sovereignty." "I admit," said the Emperor, in reply, "a treaty of that nature, but deny the sovereignty you claim under it: confessing *my* obligations towards the Holy See, *you* have broken through all treaties by evading your own obligations, and by openly allying yourself with the enemies of the empire, encouraging my subjects in their rebellion, and endeavouring to stir up strife in my churches."—"But," said the pon-

Epitome of the controversy.

[s] The Emperor is described as "the fly of Pharaoh emerging from the depths of hell, and driven about with the whirlwind, but is turned into dust, instead of darkening the sun (the Holy See) as he desireth." "He is like unto the dragon that would fly through the middle of heaven, and draw the third part of the stars thereof after him, but was cast down into hell." "He is the spawn of an unrighteous and reprobate generation, devoid of all gratitude and fear of God (the Pope)." "He hath broken all his covenants with the Holy See (the treaty, namely, with Innocent II.); he hath dared to put his power on a level with ours, as if our power, like his, were confined to a corner like Germany—a country whose kings, until the time that pope Zachary consecrated Charles (!), were drawn about in carts by oxen, possessing nothing but what their house-stewards graciously allowed them, and even now have their abode in a remote Gallic forest at Aix." "Through us alone and by our appointment he holdeth the imperial crown, and *this* but as a loan, to be withdrawn if he prove ungrateful." This was the great lesson they (the Germanic prelates) were to learn, and teach to their flocks, &c. &c.

tiff, "I am the absolute sovereign of Rome, to whom, therefore, the appointment of all magistrates and persons in authority, as well as all royalty within the city and patrimony of St. Peter, belongs; your emissaries can, therefore, no longer be tolerated within those precincts." "All you possess," replied the Emperor, "is of the free grant of my imperial predecessors, by which in every case the supremacy of the empire was reserved; nor do your 'regalia' differ in their legal import from those of every other church holding lands, jurisdictions, or other 'royalties' throughout the empire."—"It is sacrilege," retorted the pontiff, "to exact homage from consecrated hands." "Then," said the Emperor, "let the clergy abdicate their royalties, and I will abandon the offensive practice."—"You have barred out our legates from your realm," exclaimed Hadrian. "Granted," replied Frederic; "because they came as extortioners and firebrands, and not as peacemakers or reformers."—"But," rejoined the pontiff, "you are emperor in virtue of our spontaneous creation; you hold your diadem on sufferance only, and may forfeit it by rebellion and ingratitude." "This assertion," said the prince, "is false; I hold my crown of God alone, by the right of my predecessors, and of the free election of my princes and people."

Death of Hadrian IV.

In point of fact, until now no pontiff had categorically denied the ultimate sovereignty of the empire over the city of Rome and the estate of the church. *Hadrian IV. was the first pope who set up a public claim of an independent and exclusive sovereignty;* investing it at the same time with the sacred and inviolable attributes of the spiritual power which it was to support. But this was the last effort of our pontifical countrymen Nicolas Breakspear. In pursuit of the darling object of papal ambition, he had consistently discharged himself and his see from all reciprocal obligation, and declined negotiation on any terms but unconditional submission. He had chosen a favourable juncture for the execution of his scheme, bequeathing to his successors opportunities which, under rigorous traditional manage-

ment, promised to elevate the pontifical throne to an eminence of political power it had never yet attained to. Hadrian IV. died at Agnani on the 1st of September 1159, after a reign of four years, eight months, and twenty-nine days. He was a man of intelligence unregulated by prudence; of vigour deformed by infirmity of temper. His virtues suited the age; his defects produced no sensible diminution of the respect in which he was held by his party, while they contributed to inspire his enemies with a wholesome dread of the uncompromising adversary they had provoked.

State of parties in the sacred college.

During the pontificate of Hadrian IV. the ultra-papal party, under the influence of Roland Bandinelli, cardinal of St. Mark, had overthrown the imperial interest in the sacred college. This party supported itself upon the Sicilian alliance, and the insurgent cities of Lombardy. On the other hand, the imperial commissioners continued to reside in Rome, supported by a body of troops under earl palatine Otto of Wittelsbach, quartered at no great distance from the city, with the view of watching the movements of the Sicilian, and, no doubt, of exercising influence of some kind over the ensuing election of a pope. The treaty of St. Marcian, at first so vehemently condemned by the ultra party,[t] had been submitted to from the pressure of external events; and the death of Hadrian left them in close and cordial alliance with the Sicilian. Convinced that unless the career of the Emperor could be arrested, the least calamity that could befall him would be the loss of his continental acquisitions, William left no stone unturned to widen the breach between the empire and the papacy. Meanwhile an obscure intrigue in the sacred college afforded the majority an opportunity of outwitting the moderate minority, and raising Roland Bandinelli to the pontificate by the name of Alexander III.[u] An allegation of treachery on the part of the majority drove the minority, in concurrence with the clergy,

[t] See chap. iii. p. 76 of this Book.

[u] The account of *Radevic.* (lib. ii. c. 53, p. 531) is scarcely intelligible.

Election of Roland Bandinelli, Alexander III.

senate, and people of Rome, to elect the imperialist cardinal Octavian Monticelli by the name of Victor IV. Applying the election law of Nicolas II. to either of these elections, both must be pronounced equally irregular. The supporters of Alexander had failed in procuring the confirmatory vote of the clergy, senate, and people of Rome; while those of Victor were in a clear minority in the sacred college. Scarcely had the hasty election of Alexander been announced in the city when a popular tumult drove him and his friends to take refuge in the sacred precinct of St. Peter's. After a detention of nine days, however, they contrived to make their escape to the convent of Santa Nympha, where they proceeded to consecrate their candidate. About fifteen days afterwards, their opponents performed the like offices to the rival pontiff; but, it is said, without the presence of the official consecrators—the cardinal bishops of Albano and Portus—to whom the performance of that rite prescriptively belonged.[v]

Character of the election.

Victor IV.

Policy of the Rolandists.

The primary duty of the rival pontiffs in support of their respective pretensions was performed with scrupulous regularity. By the sound of the bell, with inverted torches, and the ceremonies usually observed on such occasions, they simultaneously consigned each other to the pit of hell; each duly exhorting his supporters and the Catholic world in general to look upon his opponent as a caitiff too profoundly sunk in impiety and schism to deserve the smallest credit here below, or to indulge in the faintest hope of pardon in the world to come. But the actual state of the public mind was not such as to give effect to these frantic denunciations. The emperor Frederic and the Ghibelline party in Germany and Italy regarded the quarrel rather in its political than in its religious bearing. And, in fact, the religious aspect had by this time so melted into the political, that religion was scarcely at all regarded as an element in the contro-

[v] For the election-law of Nicolas II. see Book x. c. 1, p. 161, of this work. Other incidents in this paragraph are collected from *Radevic.* lib. ii. c. 53 et sqq.; *Ciacone*, Vit. Pont. Alex. III.; and *Anonym.* Cassinens. an. 1159, ap. *Murat.* v. p. 68.

versy by one party, while the other made use of it only as a decent disguise of their own avowed ambition. It was notorious that the chancellor Roland had been put forward as the champion of a merely secular and worldly policy, as handed down from the age of Gregory VII. The offensive scene enacted by him at Besançon was fresh in the memory of Frederic.[w] It was equally well known that he had held out active encouragement to the Lombard insurgents. The treaty of alliance, offensive and defensive, with William of Sicily, was ascribed to him. Before the death of Hadrian, his connexion with the rebels of Milan, Brescia, and Piacenza had been clearly brought to light, and it was believed that at his instigation a prospective engagement had been entered into by the members of his party, that when the vacancy of the Holy See should take place, no one should be elected who should decline to pledge himself without reserve to the overthrow of the imperial power in Italy, and, as a preliminary step, engage to excommunicate the Emperor.[x]

Policy of the Emperor.

The conviction that the election of Alexander threatened an irremediable breach between the church and the empire, was deeply impressed on the mind of Frederic; and under this impression he resolved to obtain the clearest evidence of the facts attending the late double election; and, if possible, to obtain an authoritative determination of the controversy through the only channel which, according to the known practice of the church, appeared to be still open to him. With this view, he issued his precept to all archbishops, bishops, abbots, and other spiritual persons in Germany and Italy, as also to the prelacy of England, France, and Hungary, to attend a general council to be held at Pavia on the 5th of February in the year 1160, and deputed two of the most reverend prelates of the church to invite the rival pretenders to the papacy to appear in person at the proposed synod, and defend their respective causes; offering every security for life and liberty, free-

[w] See c. iii. p. 80 of this Book.

[x] See the letter of Frederic to the bishops of Salzburg and others, ap. *Radevic.* lib. ii. c. 69, p. 846.

dom of speech, and free egress and regress, that might be demanded of him.

Contrariety of views of the connection between church and state.

This proposal brought forward, now for the first time, a question of great moment both to church and state; the question, namely, to which of the two powers it belongs to put in motion the collective powers of the church upon occasions involving doctrinal heresy and schism, on the one hand; and on the other, when the public interests were threatened by moral pravity or violent disturbances in the church itself. We may trace the orthodox opinion—so to speak—of the connection between church and state to the age of Charlemagne.[y] In that view, church and empire formed one indivisible unity, in which any dissension, such as was understood by the word "schism," created a disruption of the connubial bond, depriving both of that external life and action essential to their visible existence and operation. It was therefore taken for granted that a power must reside somewhere in the composite body, by which a remedy for such disorders should be provided. Yet it was equally taken for granted that such remedy must take its origin within the body itself; it must be inherent in its constitution, and could not proceed from any external power or influence. The authority of the Petrine see was not conceived to be in any degree damaged by this view of the great connubium of church and state; for did not both form integral parts of one and the same divine dispensation? The same halo of sanctity which encircled the brow of the pontiff shed its rays upon the imperial diadem.[z] In this view, all attempts to tarnish the secular crown must be reprobated as an offence against the dignity and honour of both.[a] Both offices being part and parcel of the same one and indivisible divine dispensation, no "jus divinum" could be

Imperial opinion.

[y] Conf. Book vi. c. 2, p. 75, and c. 4, pp. 114, 115, of this work.

[z] See this conception clearly shadowed out in the letters of Frederic I., ap. *Radevic.* lib. ii. c. 55, p. 832; and more significantly still in the epistle cited by *Radevic.* lib. ii. c. 66, p. 842.

[a] "Quod honorem *S. Dei ecclesiæ et imperii* nullatenus diminui volebamus," is assigned by the imperial party in the sacred college as a reason for extending the like care to the preservation of both. *Radev.* lib. ii. c. 52, p. 828.

claimed on behalf of either which could not with equal reason be claimed in favour of the other. The functions of the sacred body might indeed be different, but their authority and constitutional importance were the same. It was therefore not to be tolerated or conceived that either could ally itself with the enemies of the other. Yet, as neither was superior to—neither greater nor less than the other—recourse must be had in all cases in which a divergency of views or interests might occur, to the whole body acting together. The only difficulty that remained behind lay in the question, which of the two was to put the sanitary energies inherent in the one body of church and state in motion. There neither was, nor ever had been, any desire to deprive the Holy See of the initiative, when the interests of the church required that she should step forward to the rescue of religion endangered by innovation, heresy, or schism. Neither could there be any doubt, that when the interests of the empire, political or religious, were compromised, the Emperor might put his powers, as temporal conservator, in action, for the remedy of the evil, whether originating in the church or the state.

Pontifical opinion.

The ultra-pontifical party had, however, for ages past repelled the idea of such an intimate relation between church and state. They had, since the time of Gregory VII., contended for a *parental* authority on behalf of the Holy See, as the representative of the church. They had peremptorily denied the parity of origination; they had proclaimed on her behalf an exclusive divinity of birth and origin; they had declared the empire to stand to the papacy in the relation of the creature to the creator; and the crown to be an article of pontifical patronage—a merely ministerial and derivative office, dependent upon conditions determinable only by the presumed necessities of the church; in other words, by the will of the Pope. In this view, the monarch of St. Peter's chair stood revealed in unapproached majesty, surveying from his throne a throng of earth-born clients and subjects, upon whom it was his pleasure to devolve the irksome and sordid duties of scavengers to the great

spiritual kingdom. As in the whole church, so also in the whole state, no other than a dependent and subservient existence could be tolerated; an original or initiatory authority in the latter was therefore not to be thought of: all this to the exclusion of every imaginable remedy against the tyranny, the corruption, the insanity of the head from which all power flowed; none of these monster vices could be corrected by any one but the great criminal himself: a state of opinion too shocking to the ordinary sense of justice and good government, even in that early stage of civilisation, not to incur the reprobation of the reflecting minority, and the indignation of the unreflecting world.[b]

Letters of the Emperor convoking a general council.

"Hearing," said the Emperor, in his letters of convocation to the proposed council, "that there has been a double election of popes, and that they have mutually excommunicated each other, we consider that there remains but one lawful mode of determining which of the two is the true pope; the adjudication, namely, of a general council of all Christendom: upon the authority of many precedents, more especially those of Theodosius, Justinian, and Charlemagne,—he had determined to submit their claims to the impartial determination of such synod, to the end that the archbishops, bishops, abbots, and men of religion so assembled, might, *to the exclusion of all lay persons*, take such steps as should insure the peace and unity of church and empire; define and assure to the Holy See her just prerogative, and to the capital of the empire its customary rights and privileges."[c]

The Emperor's invitation to the rival Popes.

The bishops of Prague and Verdun, to whom the duty of notifying the proposed synod to the rival pontiffs had been intrusted, found them stationed over against each other at a distance of barely twelve miles. Alexander lay at Agnani, supported by William of Sicily; Victor residing

[b] It is no part of our task to dwell upon, or even allude to, the *theological* apologies and explanations offered by the papal advocates for their views of church government. We should be sorry, however, to think that the religious and the political aspects of the theory were such as to set the divine law at variance with every human sense of truth and justice.

[c] See the letters of convocation, ap. *Radevic.* lib. ii. cc. 55, 56, pp. 832, 833.

at Segni, under the protection of the earl palatine Otto and his Germans. The latter adopted the imperial proposal with alacrity. Alexander was found by the envoys surrounded by his court, and occupying the pontifical chair with the air of one who had not even heard of any other claim to authority in the church but his own. In reply to the summons, he repudiated all arrogated power but that: in calling together a council without the consent of the Roman pontiff, the Emperor had departed from the invariable custom of his predecessors (?); he had violated the precepts of Christ, who had committed to the pontiff the duty, in His name and place, of considering and determining all ecclesiastical causes, he (the pontiff) being himself irresponsible to any earthly judge. "We therefore pronounce," said he, "this summons to be an insult to the Holy See, and reject it with contempt and reprobation; and do refuse to attend his council or to accept his decision. . . . We will not be his accomplice in reducing into bondage under the world that church which Christ hath made free with his blood: therefore, as our fathers suffered, so likewise we, following their example, are ready to face any danger, even death itself, for the maintenance of that liberty of which we are the constituted guardians and defenders."[d]

Reply of Alexander III.

The ultra-pontifical party were duly alive to the importance of convincing the outer world that the council to assemble at Pavia was to be regarded as a passive instrument in the hands of the Emperor for placing a pope of his own on the throne of the church. The Emperor, they readily perceived, had no effectual means of repelling this insinuation. No notice was therefore vouchsafed by the Pope either upon the imperial provision for freedom of debate, or upon the purely ecclesiastical character of the inquest to be taken. In truth the position of the parties seemed to justify suspicions prejudicial to the character of the proposed tribunal. Victor had thrown himself upon the protection of the imperialists, and had thereby, in the eye of the world, become the

Difficulties of the Emperor.

[d] *Baron.* an. 1159, §§ 54, 56, pp. 140, 141.

client of the Emperor, so as to preclude the latter from discharging himself of the imputation of undue partiality in his cause. Alexander III. knew of no such person as Victor IV.; consequently there remained no question to be brought before any tribunal—nothing, in fact, to be adjudicated upon, even if such a tribunal could be found on earth or in heaven; a supposition, however, which could not for an instant find a place in any faithful bosom. All that the Emperor could do for the protection of his own character was to point to the guarantees for the purity of his intentions he had provided, and to protest that, if they were not put to the test he proposed, the blame must rest, not with him, but with his adversary.

Council of Pavia.

On the appointed day a numerous assembly of prelates, abbots, and other ecclesiastics[e] appeared and took their seats in council at Pavia. The Emperor addressed them in a short speech, professing his undoubted conviction of his right to call them together, but renouncing for his own person in the plainest words any deliberative authority: he therefore committed the great cause which would come before them to their unfettered discretion, so as that they, in the sight of God alone, might come to such a decision as He, the righteous Judge, would infallibly approve. Frederic and all the laity of his court then quitted the assembly, leaving a clear stage to the ecclesiastics to hear and deliberate upon the evidence brought before them.[f] In consequence of the non-appearance of Alexander, the deliberation of the council necessarily assumed the sinister character of an *ex-parte* proceeding. There was no remedy for this defect; but we are assured that every precaution was taken to exclude lay influence, and to establish the facts

[e] *Radevic.* (lib. ii. c. 64, pp. 838, 839) says there were fifty great prelates, an innumerable host of abbots and priors, besides several delegates from absent bishops and superior clergy.

[f] The most important passage of the Emperor's address is thus reported by *Radevic.* (ubi sup.): "Auctoritatem tamen definiendi hujus maximi et summi negotii vestræ prudentiæ vestræque potestati committo. Deus enim constituit vos sacerdotes, et potestatem vobis dedit de nobis quoque judicandi. Et quia in his quæ ad Deum sunt non est nostrum de vobis judicare, tales vos et taliter in hac causa hortamur habere tanquam solius Dei de vobis expectantes judicium."

inquired into upon reliable testimony. The assembly, it appears, neither felt nor expressed any doubt of its own competency. They confined themselves to two points: namely, the charge of irregularity in the election of Roland, and his connexion with the enemies of the Emperor. It was proved to the satisfaction of the fathers that the election of Octavian was the earlier in point of time, though not of consecration, and that it had been duly seconded and approved by the clergy, senate, and people of Rome; that the subsequent secession of the cardinals of the party of Roland was the result of a cabal, and his election an after-thought unconnected with that of Octavian, against which, till then, a dissentient voice had not been heard in the sacred college. As to the second point, a great mass of evidence was produced to prove the complicity of Roland and his party with the rebels of Milan, Brescia, and Piacenza, and their strict alliance with the enemy of the empire, William of Sicily: and now that Roland had contumaciously declined the jurisdiction of the council, and declared himself the judge and arbiter of his own cause, there remained nothing for them but to pronounce in favour of the superior claim of Octavian, whom they accordingly enthroned and worshiped as pope by the name of Victor IV.; repudiating the claim of Roland on the ground of irregularity, contumacy, and treasonable tampering with rebels in arms against the empire.[g]

Character of the council of Pavia; its competency.

The validity of the decision of the council of Pavia depends on two propositions, both of which were maintained by the Emperor and the court, and denied by the Pope and the Guelfic party. The *first* of these theses is, that the Emperor is legally competent to call a general council of the church: the *second*, that in case of doubt, difficulty, or schism in the church, a council so assembled had ecclesiastical jurisdiction to inquire into and decide the title to the pontifical throne. But as to the latter point, it was admitted that the *temporal* power could in no wise interfere. The

[g] See a fuller account of this council, with the documents, ap. *Radevic.* lib. ii. cc. 67-72, pp. 872 et sqq.

papal party contended that this admission must exclude even that initiative interference involved in the proposition; and this answer was deemed by them sufficient to set aside that allegation. A council—they went on to say—thus irregularly convoked could have no jurisdiction at all; it was a nonentity, or worse, an overt act of schism. The argument would not have been altogether untenable upon church principles, if there had been no actual schism in the church. But in the case before us, the question was, which of the two rival claimants was the true pope? In such a case it stood to reason, quite independently of church principle or practice, that there must be some mode of solving the difficulty; and if so, where was the remedy to be found but in a general council? If, therefore, such a council possess the requisite attributes of sufficiency of numbers and regularity of proceeding, it would not matter by whom it was called, except that no authority but that of the monarch could afford the necessary aid towards bringing it together in sufficient numbers, and securing the needful independence of the meeting when assembled.

Tendency of the Ghibelline principle of the union of church and state.

On the imperial side the argument followed pretty closely this moderate line; excepting only that Frederic was not content with resting his case upon the simple grounds of reason and necessity. He claimed an inherited right to assemble a general council of the church whenever any pressing political emergency made such a step necessary for the peace and welfare of the realm. For such a claim he had indeed very strong grounds. But these were precisely those most abhorrent from all the pontifical traditions. The restoration of a proper church-legislature must obviously turn out, in the end, fatal to the Gregorian scheme. The Emperor had, by this act, struck into the direct course towards the emancipation of church and state from the yoke of Rome. Such a precedent could never be allowed to stand on the records of the church. No danger, no difficulty, no sacrifice, was too great to obviate so great a calamity.

Roland Bandinelli was the man for the occasion.

Qualifications and policy of Alexander III.

While his rival, as client of the Emperor, occupied at best a secondary place in the estimation of the world, Roland stood alone; conspicuous for experience and knowledge of the world and its ways; haughty, energetic, and unscrupulous. As pope, he disdained to suffer a doubt to rest upon his title to the Holy See, or his principles of church government. By the loftiness as much as by the candour of his pretensions, he inspired his friends with confidence, and instilled into his enemies that secret dread which audacity impresses upon the feebler spirits of every age—at all times a large majority of the existing generation. In addition to this superiority of character and ability over his rival, Alexander had filled the office of papal legate in France; he had been employed by Hadrian IV. in a mission to Germany, in which he for the first time encountered his future adversary,[h] and sustained a momentary defeat. Yet in these missions his ascendency over the minds of those with whom he conversed had strengthened his connections abroad; while, in the character of chancellor of the Holy See, he had become familiar with the most advanced ecclesiastics and the most learned canonists of his age and school. From his friend bishop Arnold of Lisieux in Normandy he received important services and advice: "Never," said the latter, "permit your name to be out of the mouth of the people: let an uninterrupted circulation of letters and monitions keep them incessantly in mind of you, and thus accustom them to have you always before their eyes as their supreme pastor." He encouraged his friend by reminding him of the anticipatory symbols of pontifical supremacy delineated on the walls of the Vatican; depicting the Pope with his feet on the neck of heretics; and expressed a devout hope that he would soon be enabled to place his feet upon the *neck of a more illustrious heretic* than any of these.[i]

Advice of the bishop of Lisieux.

[h] Conf. c. ii. pp. 80, 81 of this Book.

[i] *Baron.* an. 1159, § 60, p. 42. The letters of Arnold of Lisieux present a vivid picture of the ultra-papal churchman of the age. His contempt and hatred of the "lay enemy" (see Book vi. c. 7, p. 200, and c. 8, p. 223) is hardly surpassed in virulence by any writer of that school. Thus: "Gaudeo itaque quoniam desideratus dies—dies

Excommunication of the Emperor.

In requital for this friendly advice, Alexander promised to take occasion of the next festival of the Cœna Domini to excommunicate the Emperor, and to absolve his subjects from their oath of allegiance. Accordingly on the day mentioned, sentence to that effect was pronounced at Agnani, and at the same time the curse against the rival pope was reiterated and republished.[j] Meanwhile Alexander had obtained the recognition of the king Baldwin III. of Jerusalem and the Christian princes of Palestine; the Greek emperor Manuel Comnenus corresponded with him as rightful patriarch of the West; and active measures were adopted to damage the character and influence of the Emperor and his pope throughout Christendom.[k] Sinister reports were industriously circulated,

Pontifical vituperation

holding up the Emperor to public reprobation as a systematic enemy of religious liberty;—as the sacrilegious robber, who had dared to seize the sacred persons of holy prelates travelling on their lawful occasions; who had publicly insulted the pontiff of the Holy See; who had nefariously driven a crowd of reluctant prelates into his pound at Pavia, and forced them by fraud and violence to give their countenance to his iniquities.[l] In a high-pitched tone of holy indignation it was asked—"Who gave him authority to put great prelates of the church upon their trial in their absence? What power has subjected *the universal church* to the jurisdiction of any particular branch of the Christian communion? Who has set up the people of Germany as judges over the nations of the world? Who gave to

scilicet exultationis illucet, quo revera restitutam credimus virtutibus (sacerdotii) gratiam, virgam vitiis (laicorum), *terrorem principibus, ecclesiæ libertatem.*" A goodly anticipation of "peace and good-will towards men"! *Fleury* omits this exquisite trait in his abstract of the letter of Arnulph of Lisieux, H. E. liv. lxx. § 16, pp. 100, 101.

[j] A.D. 1160, 24th of March. *Jaffé*, Regist. p. 681. Conf. *Card. Aragon.* Vit. Alex. III., ap. *Murat.* iii. p. 451; *Arnulph.* Lexoviens. Episc. Epp., ap. *D. Bouq.* xv. p. 760.

[k] *Pagi* ad Bar. an. 1161, §§ 13, 14, p. 182. *Duchesne*, iv. p. 519. See also *Card. de Aragon.* Vitæ, ubi sup.

[l] Ep. *Alex. III.* ad Arnulph. Lexoviens. Episc., ap. *Hard.* Concil. vi., 1578. The charge of force having been exercised by Frederic at Pavia almost refutes itself. No force that the Emperor had at his disposal could have availed to collect together so numerous an assembly from quarters to which his influence did not extend.

that rude and lawless Northern horde the right to obtrude a spiritual chief of their own upon the civilised peoples of the South?"[m] Every device was at the same time resorted to, to awaken the jealousy of the European princes: the very greatness and majesty of the power with which the affection and confidence of his subjects had clothed the emperor Frederic the Redbeard might be made to give colour to the accounts of his immeasurable ambition which filled the reports of his adversaries. He had, they said, proposed to pope Eugenius to reconquer and reannex to the empire all that had ever belonged to it, if the latter would agree to go hand in hand with him; but that, not finding the Pope disposed to support his ambitious projects, he had determined to have a pope of his own, who would stand by him in his evil courses.[n] At all events, a latent design of this nature lay near enough to the surface to attract the attention of the pontifical statesmen, and to afford a specious pretext for casting suspicion upon the motives of Frederic, misconstruing his actions, and obscuring the halo which encircled the majesty of the empire.

and specious imputation.

To that end, the Rolandist legates in France, Henry of Pisa and William of Pavia, in correspondence with Arnulph of Lisieux in France and John of Salisbury in England, published a history of the existing schism, with circumstances of aggravation against their opponents derived from mere rumour or pure invention. The legates and their coadjutors perceived that, amid the discordant

Efforts of the Rolandist legates in England and France.

[m] *Joh. Sarisburiens.* ap. *Fleury*, H.E. liv. lxx. c. 47, pp. 107 et sqq.

[n] So *John of Salisbury*, ubi sup. The colour for this imputation was in all probability borrowed from the Germanic view of the pragmatic union of church and empire supposed to constitute one indivisible sovereignty. Conf. c. iii. pp. 77, 83 of this Book. In the earlier period of his reign there was undoubtedly a strong desire on the part of the European powers to stand well with him: the frequent embassies, the flattering acknowledgments of a superiority of rank among Christian princes, could hardly fail to foster the idea that the Roman Emperor was the rightful chief of the Christian commonwealth. Thus Henry II. of England: "Regnum nostrum et quicquid ubique nostræ subjicitur ditioni, *vobis exponimus, et vestræ committimus potestati*, ut ad vestrum nutum omnia disponantur, et in omnibus vestri fiat voluntas imperii . . . . . *ut vobis qui dignitate præeminetis, imperandi cedat auctoritas*, &c." *Radevic.* lib. i. c. 7, p. 744. This letter is subscribed, not improbably drawn up, by Thomas à Becket, then chancellor of Hen. II. Conf. *Radevic.* lib. ii. c. 22, p. 804.

views and party-attachments of the English and Gallic clergy, the practical decision between the rival popes must, in the end, rest with the respective sovereigns. The former, in their perplexity between the opposing claims of Alexander and Victor, placed themselves unreservedly in the hands of king Henry II. That prince, however, was upon friendly terms with the Emperor; and the actual presence of the legates of Victor at the French court gave abundant cause for uneasiness in that quarter. National councils were simultaneously held in France and England, to discuss the great question, to which of the two popes spiritual allegiance was due; but without decisive result in either country.[o] The two courts, however, were engaged to each other for the marriage of the princess Margaret of France and prince Henry of England, both of them infants,[p] and within the prohibited degrees of consanguinity. The legates made no difficulty in giving the requisite dispensation, in consideration of the urgency of the occasion; and the title of Alexander III. to the papacy was unreservedly admitted in the insular and continental dominions of Henry.

Their success in England.

The adhesion of the French king and clergy was, however, not so easily obtained. At a council held at Toulouse towards the close of the year 1161, in the presence of the two kings, a dangerous discrepancy of views was discernible. Many bishops and prelates leaned to the imperial party; and the agents of the Emperor and pope Victor strengthened the opposition by argument and solicitation. Delay was all they asked for: "it was not decent," they urged, "to compromise the dignity of the great sovereigns present by hurry or precipitation;" a "little time given might furnish a solution of the difficulty by the death of one or other of the candidates; and in the mean time the church might without inconvenience be governed by the bishops." A third

Difficulty in France. Council of Toulouse.

[o] *Pagi* ad Bar. an. 1161, § 11, p. 180. *Art de Vér. &c.* Hist. des Conciles, &c.

[p] The prince was seven years old, the princess only three, at the date of the espousals.

party boldly expressed their desire "to avail themselves of the present opportunity to shake off the yoke of the Roman church: that church had always, they said, been a millstone round their necks, and ought to pay the penalty of her insatiable cupidity and ambition."[q] In the end, however, the efforts of the legates of Alexander were successful; Louis VII., finding that the dispensation could not be prevented,[r] submitted to the decision of the council, and France passed passively under the spiritual dominion of Alexander III.

Ultimate success.

But no impression could be made upon the obdurate Germans; not an inch of ground was gained by the Rolandists within the wide frontiers of the empire. In vain had been every effort to impress the prelacy of Germany and Italy with a due sense of the merits of Alexander, and the unutterable pravity of Victor and his supporters. The venerable and saintly Eberhard, archbishop of Salzburg, whose reputation and influence among his countrymen had stood almost upon a level with those of Bernard in France, gave an unqualified vote in favour of the pretensions of Victor IV., upon the express grounds of the priority, purity, and canonical propriety of his election, as adjudicated by the council of Pavia.[s] It was, however, a matter of no little importance to the Rolandists to shake the faith of the venerable prelate; and Alexander condescended to address a diffuse epistle to Eberhard and his suffragans, repeating and vouching the stories and rumours afloat among his own adherents reflecting upon the intrusive Pope, the Emperor, and his council; the lawless intrusion of Octavian, the sacrilegious farce played off at his election and investi-

Failure in Germany.

Letters of Alexander to Eberhard of Salzburg, &c.

[q] *Baron.* an. 1159, § 64, p. 143. *Matth. Paris.* ed. Watts, an. 1160, p. 81. Conf. *Pauli*, Gesch. von Engl. iii. p. 26. *Hard.* Concil. tom. vi.

[r] He wished to set aside the betrothal of Margaret to avoid parting with the dowry assigned to her.

[s] *Radevic.* lib. ii. cc. 72, 73. The archbishop had been prevented by age and infirmity from attending the council; but he had received so satisfactory an account from his delegate of the numbers, character, and proceeding of the fathers, as to remove all doubt of its legitimacy. *Baronius* (an. 1160, § 29, p. 161) esteems him happy indeed to have been prevented by physical infirmity from attendance upon that "conventicle of Satan."

ture; his informal installation; the illegal coercion practised by the Emperor upon the members of the "conventicle" of Pavia, &c. These crimes, he declared, had drawn down the curse of the church upon the heads of the impostor and his patron: in conclusion, he added, "Now you are hereby given to understand that we have absolved you and every one of you, individually and collectively, from your oaths of fidelity to the said emperor Frederic, as well as from all duty to his government; so that hereafter you are in no respect bound to obey him; but, on the contrary thereof, are enjoined, for the remission of your sins, to afford him no manner of aid nor council in his tyrannical endeavours to subjugate, oppress, and rob the church and her supreme head."[t]

A single convert gained.

Still, within the limits of the empire, no other effect was produced by all these efforts and denunciations, than the gain of a single convert in the person of the wonder-working Peter, bishop of the Savoyan diocese of the Tarantaise. For this prelate the Emperor entertained a sincere regard; and when pressed to visit his secession with severity, avowed the high estimation in which he held the bishop, and declared, that "while putting down rebellion, he had no intention to persecute religion." The liberal and pious spirit of the Emperor might dispose him to distinguish between political and religious opposition; but no such forbearance could be expected from his adversaries. In their view "he deserved no credit; he was indeed but another Pharaoh writhing under the terror of Moses' rod."[u] No virtue could be allowed to dwell in the heart of the rebel against "God and His anointed," without blunting the edge of that religious terrorism which formed so powerful a weapon in the pontifical armory.

Gains to the cause of Alexander.

But by this time France, England, Spain, Hungary, and Sicily had been gained to the cause of Alexander. The half-hearted Greek and the declining kingdom of Jerusalem had acknowledged

[t] *Jaffé*, Regist. &c. p. 681. See the letters of Alexander III. to Eberhard of Salzburg, in extenso, ap. *Hard.* Conc. tom. vi. pp. 1539-1546.

[u] This, in the words of *Baronius* (an. 1160, § 37, p. 165). The cardinal dives into the spirit of his church with wonderful nerve and discernment.

him as legitimate successor of St. Peter; with the single exception of the Emperor, every important prince in Christendom had hailed him as his spiritual father. Still his position in Italy was beset with difficulties. In Rome he was unable to hold his ground; the imperial forces under Otto of Wittelsbach occupied nearly the whole of the patrimony of St. Peter, from Aquapendente to Ceprano. The city of Orvieto and the towns of Terracina and Agnani, close upon the borders of his Norman allies, remained in his possession: but dangers were gathering around him from more quarters than one. Milan and the Guelfic republics of the Lombard league were at this moment sustaining an unequal conflict against an army of 100,000 German warriors, eager to win the approving smiles of the sovereign they delighted to honour and obey. Under the pressure of the closest blockade, Milan was enduring the evils of famine, and suffering daily losses in the field. The Ghibelline party attached themselves with increasing devotion to the chief who promised to relieve them from the overbearing democracies, against which neither law nor custom could secure their privileges or protect their possessions. The chances of a military diversion in favour of the Pope were evanescent; there was no prospect of advantage to the Guelfic interests but in fostering the pontifical influence in the courts of northern Europe by the personal presence of the pontiff. Alexander therefore resolved, if need be, to transfer the spiritual government to the soil of France, where fear and jealousy of the growing power of the Emperor promised to furnish the means of a more effectual resistance than could be expected from any other quarter.

Difficulties of the Pope.

Siege of Milan.

But Alexander was reluctant to relinquish Italy without awaiting the last chance of maintaining his footing in that country. With the assistance and under convoy of a Norman fleet, he landed at Genoa on the 24th January 1162, after a stormy and dangerous voyage. In defiance of the imperial menaces, the pontiff and curia were received and protected by the citizens for a period of eight weeks. Here he was ena-

Surrender of Milan.

bled to watch the progress of the siege of Milan; but any hopes he might have entertained of a successful resistance were at length dissipated by the arrival at Genoa of the fugitive archbishop and Guelfic clergy of the city. Milan had surrendered to the imperialists, and was sternly rased to the ground in punishment of unsuccessful rebellion. Italy now appeared at the feet of the Emperor, and no alternative remained to Alexander but to continue his flight. On the 15th of April 1162 he landed at Montpelier, and—if we may credit the flattering narrative of his biographer—was received by the lord of the city and an innumerable multitude collected from all quarters, with hosannas as loud as if God in person had visited their coasts. "Beholding," says our authority, "these things, they could not help repeating to each other the words of the prophet: 'All the princes of the earth shall worship him, and the people shall serve him.'"[v]

and flight of Alexander into France.

While Frederic was detained in Italy by the war with the free cities of Lombardy, which closed with the capture of Milan,[w] the moderate party in church and state were casting about for some means of pacification. In the hope that his powerful mediation might lead to the desired result, Henry of Troyes, earl of Champagne, appeared in the imperial camp before Milan; and proposed that the Emperor and the king of France should hold a conference with a view to agree upon some plan for healing the existing schism in the church. It was pretty well known that the understanding between Louis VII. and the Pope was never of a very cordial character, and Frederic opened a

Mediation of Henry of Troyes.

[v] Ps. lxxii. v. 11. See *Card. Aragon.* Vit. Alex. III., ap. *Mur.* iii. p. 451. A Moorish prince, we are told, who happened to witness the reception, bowed his head and kissed the foot of the pontiff, adoring him as the "good God of the Christians," and imploring his prayers on behalf of his master the king of the Moslems of Spain.

[w] The city surrendered on the 1st of March, and was taken possession of by the Emperor on the 26th, by which time the expulsion of the inhabitants was completed. *Otto de S. Blas.* Chron., ap. *Murat.* vi. p. 874. Among other precious relics found in the treasury of the church were the skulls of three royal magi, christened respectively Caspar, Melchior, and Balthazar. They were reverently handed over to the archbishop of Cologne in reward for his services during the siege. They may be seen, by good eyes, to this day, through the dingy glass of the shrine in the choir of the cathedral of that city.

communication with the French court in the hope of improving this coolness into a rupture.[x] The mediation of Henry of Troyes was accepted, and the conference between the two princes was agreed upon to take place at St. Jean de Lôsne, a village on the river Saône, on the frontier of Burgundy. It was stipulated as a *sine quâ non* of the negotiation, that each sovereign should bring the pope of his adoption to the conference, and that the negotiations should embrace all measures necessary to procure a unanimous vote in favour of one or other of the rival pontiffs; or, if it should be thought expedient, the removal of both, and a new election by the common consent of all Christian churches and prelates, in general council assembled.

Alarm of Alexander; he refuses to attend the proposed conference.

The report of these negotiations seriously alarmed Alexander III., and he hastened to propitiate Louis by compliances to which, it seems, he had hitherto refused to listen. The ill humour of the king, however, was not easily appeased, and he is said to have professed openly his regret at having so hastily adopted the cause of the impracticable pontiff. In a fever of anxiety the Pope sent two legates to the court of France to deprecate the king's resentment, and to beg for a conference to set himself right with Louis. The conference was granted; but on the part of the latter, it appears, solely with a view to persuade the Pope to agree to the proposal of Henry of Troyes to come before the intended council in person, and abide the award there to be pronounced. But on these points Alexander resolutely refused compliance, insisting that no power, temporal or spiritual, was competent to sit in judgment upon the title of a Roman pontiff to the throne of Peter. The interview broke up, on the part of the king, with a strong expression of ill humour and disappointment at the ill-timed and irrational refusal of the Pope to adopt a proposal from which, conscious of a good cause as he professed to be, he had no reason to apprehend any adverse result.

[x] In a letter to Hugo of Soissons, the chancellor of Louis VII., ap. *Duchesne*, tom. iv. p. 579, quoted by *Pagi* ad Bar. an. 1162.

Interview between the Emperor and the king of France at St. Jean de Lôsne.

The refusal of Alexander disabled the king from performing his part of the proposed arrangement, and he accused the earl of Champagne of inconsiderate haste in pledging him to terms he might not be able to fulfil. Henry, however, produced such convincing proofs of the understanding as originally concluded between the two courts, that Louis abandoned his objections, and placed himself unreservedly in the hands of the earl. But at this point of the story, the three accounts from which we derive our information are so unintelligibly confused and contradictory, as to baffle every attempt at a connected history of the transaction. The Emperor, it seems, with a numerous retinue of bishops, princes, and nobles, accompanied by a strong military escort, took post on the left bank of the river opposite the bridge of St. Jean de Lôsne. The king remained at no great distance on the right bank. In these positions both parties watched each other with an unexplained jealousy. The Emperor appeared with pope Victor by his side, and challenged the fulfilment of the treaty on the part of the king. The latter, however, hung back, complained of having been taken by surprise, and asked for time. The Emperor,

Tergiversation of Louis.

disgusted with the palpable tergiversation of Louis, was on the point of breaking off all further intercourse, and the agents of Alexander present in the French camp hastened to cheer their master with the agreeable news that the danger was past. But Henry of Champagne was, it seems, not to be so easily baffled. He had, in his zeal for the cause of concord, become the guarantor of the treaty, and bound himself either to procure the compliance of his suzerain, or to withdraw from his allegiance, and declare himself the vassal of the empire for all his lands and domains. At his entreaty Frederic generously granted a delay of three weeks, with the express stipulation, that unless the king should produce his pope at the conference then to be held, the earl should at the next periodical diet for the Burgundian kingdom at Besançon, deliver himself and his lands into the hands of the Emperor, as vassal of the empire. This

intimation plunged the feeble Louis VII. into unutterable perplexity; his spirit quailed within him; he hastily accepted the arrangement, and vouched the duke of Burgundy and the earls of Nevers and Flanders as his securities for the performance of his engagement.

Upon the receipt of these sinister tidings, pope Alexander hastened to withdraw from the territory of the French king, and to place himself under the protection of the king of England in Aquitaine. This step—whether with or without the connivance of king Louis—put it out of his power to produce his pope at the ensuing conference. The king repaired, however, at the appointed time, with great apparent confidence, to St. Jean de Lôsne, where the Emperor had not yet arrived. He found there Rainold, archbishop of Cologne, the chancellor of the empire, and other members of the imperial council. A premature discussion as to the form of the proposed council seems to have arisen between the French monarch and the imperial representatives. Louis insisted upon a perfect parity of representation on behalf of his church and crown. This pretension was rudely repelled by the archbishop, who claimed for his master the presidency of every tribunal involving causes of the Roman church, as a prerogative belonging to the empire, of which Rome was the first city, and the Roman pontiff the first bishop. This demand was eagerly seized upon, both by the French king and the mediator, Henry of Troyes,—who had probably by this time repented of his bargain,—to break off the negotiations. The latter was proclaimed by the French party to have redeemed his engagement; and without waiting for a reply, Louis VII. mounted one of his swiftest chargers, and hardly drew bridle till he reached his good town of Dijon.

Flight of Alexander III. into Aquitaine.

Breach of faith, and flight of Louis VII.

The Emperor indeed arrived at St. Jean de Lôsne a short time after the departure of Louis; but no entreaty could bring the latter back to the place of meeting. Congratulating himself on the literal fulfilment of his promise, the king was deaf to

Indefensible conduct of Louis.

the explanations offered of the offensive declaration of the chancellor. It is most probable that the meaning of that declaration was misunderstood; but the mixture of cowardice and cunning, so often found in low-cast characters like that of Louis VII. of France, affords the easier explanation of the conduct of the French king under the difficulties into which his own vacillation had plunged him, without imputing to the Emperor designs for which his career up to this time afforded no warrant. Neither the day, the hour, nor the constitution of the meeting in this case was such a material part of the compact as to involve a breach of engagement on either side if not literally complied with; nor was the point upon which the negotiation was broken off so incapable of explanation as to justify the rupture. Yet we can hardly escape the suspicion that the Emperor relied too much upon his political, if not upon his military, preponderance at the discussion, and that he regarded the proposed synod rather as a parliament assembled to register his foregone conclusion than as a deliberative body at liberty to overrule his inclinations as president of the tribunal. His conduct, however, stands clear of the vulgar trickery displayed in that of the French prince.[y]

[y] The authorities on which this narrative of the negotiations of St. Jean de Lôsne has been compiled are, *first*, that of the anonymous biographer published under the name of the *Card. de Aragonio*, ap. *Murat.* iii. pp. 451 et sqq., fully extracted by *Baronius*, an. 1159, § 63; a work to which no credit can be attached when unsupported by our *second* authority, the *historian of Vezelay*, as in the collection of *D. Bouquet*, tom. xii. pp. 330 et sqq. Our *third* authority is that of *Helmold*, in his Chron. Sclavorum, ap. *Leibnitz*, Rr. Brunsw. Ss. tom. ii. p. 613, as extracted by *D. Bouq.* xv. p. 725. This account, though short and incomplete, is obviously more trustworthy than either of the two preceding. But any attempt to extract a coherent history from such imperfect materials is a matter of too much difficulty to enable the writer to speak with any confidence of the perfect accuracy of his narrative.

CHAPTER V.

FREDERIC I. IN ITALY—HIS FAILURE AND RETREAT.

Prospects of the Emperor—Interviews of Alexander III. with the kings of England and France—Great council of Tours—Converts to the pontifical party—Eberhard of Salzburg—Arnold of Lisieux on sacerdotal prerogative—The clergy, their eminence—The Emperor a vassal of the church—Canons of the council of Tours—Activity of Alexander III.—Alexander III. and the monastic bodies—he contemplates the emancipation of the clergy from the secular state—Tendency of the policy of Alexander III.—Italian policy of Frederic I.—Discontents in Italy—Death of Victor IV.—Election of Guido of Crema (Pascal III.)—Revolt of the Lombard cities—Diet of Würzburg—Embassy of Henry II. against Alexander III.—The diet pledged to Pascal III.—Papal and Guelfic interest predominant in Italy and Rome—Return of Alexander III. to Rome—Frederic I. in Italy—he marches to Rome—Insurrection of the Lombards—Intent of the insurgents—Operations of archbishop Christian of Maintz—Siege of Rome—defended by pope Alexander—Dangerous delays—Capitulation of Rome—Evasion of the Pope—Projects of Frederic I.—Pestilence in the imperial army—Destruction of the army—Moral effect of the overthrow of the army—Retreat of Frederic I.—Escape of the Emperor, and his measures to retrieve the disaster—Lombard cities; building of Alexandria—The Romans—Death of Pascal III., and election of Calixtus III.—The Pope and the emperor of Constantinople—Frederic I. proposes to negotiate with the Pope—Alexander III. demands implicit submission—Divergency of the imperial and pontifical theories—The Pope takes the city of Tusculum under his protection—Breach of compact by the Romans.

THE emperor Frederic retired from the conference of St. Jean de Lôsne in anger and disgust; but a sudden dearth and disturbance in the empire for the time withdrew his attention from French affairs. The state of Italy since the surrender of Milan could hardly fail to convince him that his presence in that country was indispensable for the support of the system of government he had introduced. It was obvious that a military force, rather of the nature of a standing army than of a mere feudal militia, however well organised and commanded, was requisite to repress the aversion of the Italian republics from the German yoke. Yet the success which had hitherto attended his arms, the devo-

Prospects of the Emperor.

tion of his Germanic subjects, and the consciousness of military abilities of a high order, left no doubt on his mind of the ultimate restoration of constitutional government in Italy, as understood in that age, and as established in other parts of Europe. But with all his powers of mind and will, Frederic had overlooked the dangers which threatened him from almost every point of the political compass. His self-reliant nature had disdained those subordinate means and appliances by which his great adversary was silently working his downfall. While his attention was absorbed by prospects of military and political conquest, the able pontiff was gathering up the threads of a conspiracy involving every region of Europe, from the icy North to the torrid regions of the South, to break his power, to humble his pride, and to reduce him to the condition of the vassal-kings of France and England.

Interviews of Alexander III. with the kings of England and France.

Towards the close of the year 1162, while residing at the monastery of Dole, pope Alexander received a duty-visit from Henry II. of England. "The king," says the pontifical biographer, "approached the Pope with profound humility: he bowed to the earth and reverently kissed the feet of the pontiff, and there deposited *golden gifts*, receiving *in return* the kiss of peace: next he conducted him to the throne prepared for him; and, after that, he and his barons seated themselves humbly at his feet: three days were spent in edifying conversation; and on the fourth the king departed, greatly elevated in spirit by the benignant countenance vouchsafed to him; *dispensing at the same time munificent gifts to the Pope and his brethren the cardinals.*"

An interview between Alexander and Louis VII. of France, which took place soon afterwards, is marked by similar features. The Pope had removed from Tours to Paris, where the conference was appointed to take place. From the same authority we learn that, "before the Pope made his entry into the city, the king with his barons and military officers, as became a humble and a pious prince,

rode forth a distance of two leagues to meet his holy father; and that as soon as the latter appeared in sight, the king dismounted, and eagerly running forward, seized the bridle of the Pope, and devoutly kissed his feet, whereupon he arose and received the kiss of peace; after which they rode side by side towards the city, where all the clergy met them in solemn procession, and conducted them with joyful clamour to the great church."[a]

Pageants of this description were admirably calculated to obliterate in the minds of the actors the distinction between religious duty and political subordination. The spiritual character of the relation was made to pass quietly over into a sense of inferiority and subjection, not very remotely corresponding with the ideas of vassalage entertained in that age. In a state of opinion like that of the twelfth century—a state in which outward observances were of a much more suggestive nature than at a more advanced stage of civilisation—the churchmen made good use of such ceremonies as these for obliterating the limits between spiritual and temporal vassalage. And in this direction no preceding pontiff made greater advances than Alexander III.[b] After his triumphant interviews with the converted kings of France and England, a general muster and review of the pontifical forces was held at Tours.[c] The council, under the presidency of the Pope, was attended by seventeen cardinals, one hundred and twenty-four bishops, four hundred and fourteen abbots, and a large concourse of inferior clergy. The most conspicuous personages were Thomas à Becket the lately elected archbishop of Canterbury, and Conrad the archbishop-elect of Cologne, whose elevation by the chapter had been cancelled by the Emperor. This disappointment had turned him over to the pontifical party. Both he and the English primate were received with the highest honours. Becket, we are

Great council of Tours.

[a] *Card. de Aragon.* Vit. Alex. III., ap. *Murat.* iii. pp. 458 et sqq. *Bar.* an. 1163, § 1.

[b] "Considering," said Alexander, in an address to Louis VII. of France, "how freely and devoutly you *surrendered* yourself and your kingdom to us, to be *in the obedience and at the disposal* of the Holy See," &c. *De Bouq.* xv. n. 139, p. 819.

[c] The council met on the 19th May 1163.

informed, was, by the express command of king Henry, attended by all the archbishops and bishops of England, and was seated with his brethren, the archbishop of York and the bishop of Durham, at the right hand of the Pope.[d] The assembly, though numerous, was not of the general character desired by the papal party.[e] There is, however, reason to believe that, besides Conrad of Cologne, the Pope could reckon up some important converts among the German prelacy; more especially the aged archbishop Eberhard of Salzburg, with whom Alexander had, notwithstanding his earlier recusancy, kept up an active correspondence almost from the date of the council of Pavia.[f] In fact, as soon as the alternative of a state-pope and a church-pope was presented to the mind of the anxious churchman, when once impressed with the exceptional character of the former, as made evident by the very general adoption of the latter by the Christian churches,[g] his choice could not long remain suspended. The growing conviction that Victor IV. was not the pope of the church, but of the Emperor, was a severe shock to the prepossessions of every devout churchman. And this impression pope Alexander was not slow to turn to good account.

Converts to the pontifical party.

Eberhard of Salzburg.

At no period had the princes of Europe—with the single exception of the emperor Frederic—been more favourably inclined to listen with patience to the broadest assertion of papal omnipotence. In the proceedings of the council of Tours it appears that every outward sign of secular influence or control in ecclesiastical affairs had been successfully eliminated. Kings, nobles, and people bowed their heads

Arnold of Lisieux on sacerdotal prerogative.

[d] *Matth. Paris*, ad an. 1163, p. 84.

[e] Out of the 124 prelates, deducting the 105 French and English bishops, there remained only 19 seats for the rest of Christendom. Spain and Italy were very scantily represented. But see *Romuald.* Salern. Chron. an. 1163, ap. *Murat.* vii. p. 204; *Baron.* an. 1163, § 16; and conf. *Hist. Vezeliac.*, ap. *D. Bouq.* xii. p. 332.

[f] The imperial council of the 5th Feb. 1160. See c. iv. p. 108 of this Book. The letters of Alex. III. to Eberhard are abstracted in the Regist. Alex. III., Oct. 1159, 4th April 1160, 20th Jan. 1161, 16th March 1161. *Jaffé*, pp. 680-687.

[g] Eberhard died on the 20th June in the year 1164, at the age of seventy-nine years. We know of no active steps taken by him for the promotion of the interests of Alexander, or in opposition to those of the Emperor.

in humble submission while the prolocutor of the council, Arnold bishop of Lisieux, set forth in the meekest accents the proudest principles of sacerdotal preëminence. "Unity and liberty," he said, "are essential attributes of the church, without which she is enslaved, and can have no existence at all: but she is eternal in her strength; though, therefore, the *tyrant of this world* (the Emperor) assail our temporalities or even our persons, he must decline and fall, neither can he detract an atom from her right to that which belongs to her; nay, rather she dealeth with *him as an outcast, and consigneth him to outer darkness, and bindeth him down with the chain of the anathema, and loadeth him with the opprobrium of an eternal malediction;* so that he who would enslave her endeth by enslaving himself, while she abideth in her irrefragable liberty and unity."

When now the tyrant is thrust into outer darkness, his subjects released from their oaths of fidelity, and all the bonds of civil society cast loose, then begins the work of reconstruction and *charity*. "For unto the church is given *the wholefulness of God*, to be by her distributed to the people, each person according to the share it seemeth good to her to measure out to him; for we are set in the midst between Christ and the people, *having in us the privilege of grace, and being endowed with all the prerogatives of supreme authority: the privilege of grace*, because it was first and in the greater measure infused into us, that it might be distributed by us to the people; the *prerogative of authority*, because we are the firstborn and the nearest of kin.[h] We are the superiors, because *we are appointed to be priests and princes over the whole earth;* for the same is said of the apostles as of us, who are raised into their places. . . . We are the *friends of God*, proclaimed by prophets and evangelists; and in Him dwelleth the strength of our principality. . . . Now then are we the heirs of the kingdom, and this our inheritance is the *universality of the faithful*. . . . This is the heritage which

The clergy, their eminence.

[h] "Superiores et propinquiores." The word "superior" here bears the meaning of *first* or uppermost.

Christ commendeth to our fidelity. . . . We, the *sons of God*, the brethren of Christ, begotten with Him by our mother the church. But as brethren it behoveth us to stand fast by one another, more especially when the great ones of this world assail our stronghold: thus, when the Emperor, great as he may be, lifteth his heel against the church, let us strive together that he *be humbled under the mighty hand of God;* that he be constrained to acknowledge *the church as his sovereign mistress;* that he be brought to a sense of the load of ingratitude he hath burdened upon himself; that he learn to read in the records of the past, and therein find of a truth *that his predecessors have at all times held the crown of empire by no other right or title than singly and solely from the free grace of the Roman church.*"[i]

The Emperor a vassal of the church.

Considering the extent of the "inheritance" here claimed in the face of the world for the Roman church—or, in other words, for the Pope—the emperor Frederic may be pardoned for asking what room there was left for himself or the princes of this world in this singular economy of grace. The question was indeed about shortly to force itself upon the attention of Henry II. of England; but for the present the humiliation to which both he and his brother of France had submitted must have reduced them to listen with bated breath to the language of the eloquent prolocutor. Every article of the papal programme passed into the law of the church, as far as we are informed, without discussion. Ten canons provided remedies for certain abuses in the monastic profession; denounced simoniacal practices, and sounded the trumpet of persecution against the Henrician or Albigensian heretics of the South. The council affixed spiritual penalties for the violation or diversion of ecclesiastical property; they cancelled all the acts of Victor IV., and bound the princes and people of France and England to the anathema against Frederic, "the excommunicated and deposed usurper of the imperial crown."[j]

Canons of the council of Tours.

[i] *Hard.* Concil. vi. p. 1590. *Bar.* an. 1163, § 3-15.

[j] In all subsequent documents of this pontiff, up to a certain period, he is described as "Fredericus '*dictus*' imperator."

Pope Alexander III. might justly regard the close of the great council of Tours as the crown of the work he had to do in France. During his abode in that country he resided principally in the monastery of Dol and in the cities of Bourges and Sens, never allowing himself a moment's relaxation from that incessant labour and activity by which he multiplied his presence in every part of Christendom. Alexander has left behind him the most complete register of his administration of any preceding pontiff. Of his epistles, charters, grants, and other public writings relating to ecclesiastical affairs, we have a list of 2250 letters and written documents,[k] touching upon every branch of administration, among which the *political* department occupies no small space. From France, as his fulcrum, he proposed to heave the power of his opponent from its basis. And with his task, as hitherto advanced, he had every reason to be satisfied. His emissaries had traversed the kingdoms of Scandinavia, Denmark, Sweden,[l] and Norway; his missionaries had penetrated the wilds of Courland, Livonia; and even the Hungarians and Sclavi of Croatia and Dalmatia had learnt to lisp his name. He stood well with the court of Constantinople, and is believed to have entertained a lively hope of accomplishing the extinction of the great Oriental schism, upon terms of vast advantage to himself and his church.

Activity of Alexander III.

Though preceding pontiffs had instinctively perceived the benefits to be derived from the support of the monastic bodies, Alexander had been the first to apply them methodically to the use of the Holy See. The perpetual feuds that subsisted between these bodies and the diocesan bishops had turned the views of the weaker party to Rome as their natural protector. While Alexander III. resided in

Alexander III. and the monastic bodies.

[k] See the collection ap. *Jaffé*, Regist. &c. pp. 679-870, all of them extremely well and clearly abstracted.

[l] Though no public document of Alexander III. connected with the northern nations dates earlier than the year 1166, yet it is clear that he had some time before that appointed Eskil, archbishop of Lund in Sweden, his legate for the Scandinavian kingdoms. See his letters to Waldemar, king of Denmark, under the date of Dec. 1166, ap. *Jaffé*, nos. 7549, 7550.

France,[m] we find that he took upon himself the "*tuitio*" or protectorate of fifty monasteries, convents, and churches. To some he granted original charters of incorporation; to others, confirmation of previous endowments and privileges. Several of these religious houses are described to us as the "jus et proprietas"[n] of the Holy See, in the same sense as any other part or portion of the patrimony of St. Peter.[o] This "tuitio" was understood to exclude the interference of any external authority but that of the Pope, and greatly to circumscribe or wholly to annihilate the ordinary jurisdiction of the bishop. As against their superiors generally, Alexander zealously supported the inferior clergy and the religious houses.[p] Against the crown and the secular state, he protected them energetically from the oppressions of their patrons or advocates and their predatory neighbours.[q] The domestic and personal causes of the religious bodies and of the clergy generally, during his residence in France, fell, as a matter of course, into his hands; and the promptness and equity of his decisions attached the Gallic clergy to his government in as great a degree as the vigour of his executive measures and the strength of his will impressed them with the hopelessness of resistance to his decrees.[r] His conception, however, of the extent of the ecclesiastical judicature far exceeded the limits of a purely spiritual supremacy. It embraced the absolute emancipation of the whole body of the clergy from all secular responsibility; it appropriated all causes, civil or criminal, to which a clerk might be a party, to the spiritual courts. He insisted, in strict conformity with the Isidorian decretals,[s] that no clerk in

Projects the emancipation of the clergy from the secular state.

[m] From the 15th of April 1162 to the 10th of Sept. 1165.

[n] The property of the Holy See.

[o] The monastery of Vezelay is denominated the "filia et alodium" of the Holy See. *Hist. Vezeliac.*, ap. *D. Bouq.* xii. 333. And in a letter of Alex. III., dated 7th Sept. 1164, we find that house described as notoriously belonging to the "jus et dispositio B. Petri et nostræ." Ep. *Alex. III.*, ap. *D. Bouq.* xv. p. 824.

[p] Ep. Alex. III., Sept. 24th, 1164, ap. *D. Bouq.* xv. p. 823.

[q] Ep. Alex. III., nos. 171, 172, ap. *D. Bouq.* xv. p. 836.

[r] See his imperious letter to Louis of France, under the date of the 25th June 1165, forbidding him to intercede for a clerk whom he had deposed for some offence. *D. Bouq.* no. 175, xv. p. 837.

[s] Conf. Book vi. c. 7, pp. 195 et sqq. of this work.

orders should resort to any civil tribunal as plaintiff, or appear there as defendant; and that no layman should be entitled to a hearing against his clerical opponent until he should have given the amplest security for indemnity, or should have restored the article or thing abstracted or demanded.[t]

Tendency of the policy of Alexander III.

Symptoms of uneasiness, however, under this aggressive policy were not slow to appear. Louis VII. did not always bear with equanimity the encroachments on the judicial powers of the crown contemplated in the papal scheme.[u] It is even probable that a longer residence of pope Alexander in France might have produced brawls of a character resembling those which were just then agitating the neighbouring kingdom of England. The unlimited right of intercession and remonstrance conceded to the papacy[x] might easily slide into practical interposition. A right to request, sanctioned by law and supported by power, must speedily exchange its liberal and voluntary character for that of dutiful acquiescence. And, in fact, the tone of pope Alexander's official interferences seems never to contemplate resistance or objection. Consistently with his conception of the pontifical attributes, he could assume no lower tone.[y] The principle of universal moral superintendence had never yet met with any direct verbal contradiction; so that the pontiff can hardly be blamed for regarding it as an established principle, and resenting every symptom of resistance as evidence of a rebellious disposition towards the church and her chief. The world had, in truth, itself only to thank if, through its own supineness, it should witness the absorption of the civil in the ecclesiastical state; a consummation which it

[t] Epp. *Alex. III.* epp. 172, 173. Matrimonial causes, or such as sprung from the relation of husband and wife, had for a long time past been taken under the cognisance of the spiritual courts. Thus we find Alexander III. instructing Henry archbishop of Rheims how to proceed in a question of *dowry* between two *secular* parties. See his letter of the 18th July 1164, ap. *D. Bouq.* xv. p. 818.

[u] Conf. *Alex. III.* Epp. nos. 149 and 165, ap. *D. Bouq.* xv. pp. 824, 832.

[x] As the consequence of the general right of "moral superintendence" (Bk. x. c. 6, p. 305).

[y] See particularly letter of the 10th Nov. 1163 or 1164, ap. *D. Bouq.* xv. p. 810. Conf. his precepts to Louis VII. regarding foreign affairs, in his letters of the 12th Oct. 1164, and the 16th Feb. 1165; *ibid.* pp. 825, 827, 828.

required little discernment to perceive was the ultimate, almost the avowed, object of papal ambition.

Italian policy of Frederic I.

While pope Alexander III. was thus profitably engaged in France, the state of public affairs in Italy was undergoing a gradual change in his favour. After the fall of Milan, in the year 1162, the Emperor had established magistrates, under the designation of "podestas," in all the disaffected cities and districts, with very dangerous powers of police and revenue. These officers were generally chosen from among the chiefs of his armies or mercenary natives, from whom little discretion or integrity in the exercise of their duties could be expected. Under this kind of management, increased imposts and forced labour wasted the substance of the subject, and reminded him at every moment of the forfeiture of position in the world, which in most minds is more bitterly regretted than even the loss of wealth. This vicious system of government was justified partly by appeal to the decrees of Roncaglia, and partly on the ground of conquest. The oppressive treatment of the expatriated people of Milan could hardly fail to excite compassion even among their late enemies. A secret sympathy crept gradually into the hearts of those who still enjoyed the privileges of self-government, and whispered in their ears that they owed them rather to the forbearance of a master than to their own ancient and independent right. Meanwhile, the communities which had embraced the Ghibelline interest were in no single case satisfied with the privileges and franchises granted to them in reward of their loyalty; they broke out into excesses, which could not be easily or speedily repressed; and all, without exception, resented the centralising scheme introduced by the decrees of Roncaglia —a system of government which they regarded as subversive of that inherited freedom of action which had hitherto proved the blessing or the curse—it is difficult to say which—of the Italian republics.

The sovereign of a distant dependency is often driven by the necessity of his position to make use of such

agents for the administration of his government as he finds at hand. When the Emperor, through the report of his chancellor, Rainald of Cologne, learnt the state of things in Italy, he hastened thither, without escort or retinue, to inquire for himself into the oppressions and abuses complained of. But the contradictory statements of the accusers and the accused, the necessity of supporting his own officers in the performance of their duties, the difficulty of replacing delinquents by others upon whom those duties might be safely devolved, the variety and inconsistency of the pretensions and claims brought under his notice, and the bitter resentments of the disappointed parties,—all these circumstances tended rather to increase than to mitigate the heart-burnings which agitated alike the friends and the foes of the government. The liberation of the hostages of the Milanese offended their enemies the Pavians; the new privileges granted to the Pisans excited the jealous resentment of the Genoese; favours conferred upon Lodi were displeasing to the citizens of Cremona and Pavia; even the unpunished destruction of the walls and houses of Tortona by the latter was laid at the door of the Emperor, as a proof of his secret satisfaction at the weakening effect of the domestic factions prevailing among his Italian subjects. And when, as a punishment for the murder of his viceroy at Bologna, he caused the walls of the city to be razed, the injustice of visiting an act of private revenge upon a whole community became the subject of general reprobation.[z]

Discontents in Italy.

No line of policy familiar to the age of Frederic Redbeard could enable a non-resident and anti-national sovereign to rule in peace a nation so thoroughly unorganised as Italy at this point of time. The scheme of governing Italy by Italians had proved a failure; and military coercion seemed to afford the only chance of maintaining a footing in the country. In this temper of the public mind, pope Victor IV. died suddenly at Lucca;[a] and the event involved the Emperor in a difficulty compared with which

Death of Victor IV.

[z] *Raumer*, Hohenst. ii. pp. 182, 183.

[a] The 20th or 22d of April 1164.

all others might be regarded as trivial. As soon as the intelligence of this occurrence reached him, his first thought pointed to a reconciliation with Alexander; and orders were despatched to his chancellor Rainald, at Lucca, to abstain from any steps towards substituting a new pope for the deceased until farther instructions. But the party, now hopelessly compromised with pope Alexander, had hastened with all speed to consult their own safety, by a new election; and thus it happened that, several days before the arrival of the message of the Emperor, the cardinal Guido, of Crema, was raised to the throne by the name of Pascal III. It seems that every precaution the case admitted of was adopted to give the act the character of a valid canonical proceeding. The election, we are told on the authority of the Emperor himself,[b] took place in the presence of all the bishops of Lombardy and Tuscany, the prefect of Rome, and many nobili of that city. But the defects of the procedure were incurable. Every traditional usage was dispensed with; the new pope was consecrated by the single bishop of Liége, on an unusual spot, and in the absence of a majority of the sacred college, and of the clergy and people of Rome. These blots in the election of Pascal could not be overlooked by any conscientious churchman of the age, and many a priest and layman who had sincerely believed in the legitimacy of Victor IV. turned away from his presumptuous successor as a usurper and a schismatic.

Election of Guido of Crema (Pascal III.).

The acknowledgment of pope Pascal was the most serious error in the career of this great prince. It imposed upon him a simultaneous struggle against the religious prejudices and the political aspirations of his Italian subjects; a struggle from which neither courage nor talent could extricate him. In Lombardy the well-earned disaffection of the Guelfic cities, and the secret aversion of all from the German yoke, became from day to day more apparent. At Milan the imperial podesta, Roland de Rubeis, was mur-

Revolt of the Lombard cities.

[b] See the letter of Frederic I., ap. *Baron.* an. 1166, § 3, p. 254.

dered in open day. In Bologna the governor, Bozzo, was assassinated in his palace, and his body thrown from a window into the street. Count Pagano, the podesta of Padua, was driven out of the city by the people. In like manner Arnold de Barbavera, the magistrate of Piacenza, was compelled to make his escape in all haste out of the city. About the same time the republic of Venice and the municipalities of Verona, Padua, Vicenza, and Treviso, declared for pope Alexander III., and entered into a defensive league for the maintenance of their liberties against the yoke under which the cities of Lombardy were groaning. In such a disposition of the public feeling, the Emperor was conscious that his Italian soldiery was not to be relied upon. He therefore withdrew from a contest in the field with the insurgent cities, and contented himself with the erection of new forts, strengthening the fortifications of the towns in which he could place reliable garrisons, and taking all proper measures for maintaining his footing in the country, and protecting the advance of troops from Germany.[c]

Satisfied with these preliminary measures, the Emperor, in the autumn of the year 1164, hastened his return to Germany, to prepare for a vigorous prosecution of the war in Italy. Here he found that the hasty and irregular exaltation of Pascal III. had introduced doubt and hesitation among the clergy, and shaken the attachment of some among the more powerful laity of the empire. The emissaries of Alexander had busily employed their time in strengthening these impressions; and the Emperor himself hesitated as to the steps requisite to disperse the coming storm. With the view rather to feel the pulse of the nation than to suggest or dictate any special measures against the insinuations and intrigues of the Guelfic agents, he assembled a great diet of the empire at Würzburg, on the feast of Pentecost 1165. At this meeting he found that the inclinations of the majority of the princes and prelates present pointed to a reconciliation with pope Alexander,

Diet of Würzburg.

[c] Vit. Alex. III. à *Card. Aragon.*, ap. *Murat.* iii. p. 456.

yet without any inclination to compromise the principles upon which they had hitherto upheld the imperial dignity and prerogative. Too many eminent men, however, and among them especially the archbishop-chancellor Rainald, were interested in the maintenance of the schism, to permit the discussion to be brought to any definite issue; and at this very time an unexpected auxiliary appeared in the person of the English bishop Bartholomew of Exeter, and the presbyter John of Oxford, as envoys of king Henry II., to engage the aid and sympathy of the Emperor in his resentments against Alexander III., for the countenance afforded to the treasonable practices of archbishop Becket of Canterbury.[d] The chancellor Rainald eagerly availed himself of this unexpected support, and fortified it by the proposal of a marriage of the son of the Emperor and of his relative Henry the Lion, duke of Bavaria, with the two daughters of Henry of England.

Embassy of Henry II. against Alexander III.

The spirits of the Emperor and his minister were raised by the prospect of so important an accession of strength to their party. The diet, however, still wavered; suspicions of the sincerity of Rainald's adhesion to the pope of his own nomination had invaded their minds. But the archbishop succeeded in dissipating the alarm. The English envoys were introduced to the assembly, and unhesitatingly engaged, on behalf of their master, that he would stand firmly by the Emperor in support of pope Pascal, and for the future withhold all recognition or aid from the schismatic intruder Roland. All hesitation on the part of the princes and barons present vanished, and the engagement to support the true pope, Pascal, was adopted. When,

The diet pledged to Pascal III.

[d] Though the commissioners were only empowered to request a safe-conduct from the Emperor to pope Alexander in Italy, with a view to lay the grievances of their sovereign before him and to demand redress, yet the strange route chosen, when a much easier and shorter was within their power, and the vehemence of their complaints to the Emperor, clearly indicate the real object of the mission. "He had," said the king, or his envoys for him, "long since desired an occasion to tear himself loose from a pope who had on all occasions supported the traitor Becket against his crown and the ancient customs of the realm of England." *D. Bouq.* xvi. p. 255. *Pagi*, ad Bar. an. 1166, § 8, p. 257.

however, the oath was proposed to the prelates, strong symptoms of dissent appeared: "such a proceeding must perpetuate the schism:" "all prospect of accommodation would be cut off:" "the case required more mature consideration." But when the principle involved in the conflict between the crown and the Rolandists was brought before them, more especially as regarded the election of a pope and the liberties of the church, their scruples appear to have given way, and the desired unanimity was obtained. All the bishops present took the required oath to pope Pascal; some without reserve, others with qualifications which were not regarded as of material weight. But it was observed that, of the archprelates of the empire, those of Salzburg, Aquileia, and Treves not only declined to be present, but refused to permit their suffragans to obey the imperial summons. Several princes of the empire neglected to attend the diet; and upon the whole a somewhat alarming spirit of recusancy troubled the harmony of the assembly.[e]

Papal and Guelfic interest predominant in Italy and Rome.

The influence of Frederic at the diet of Würzburg indeed enabled him to carry through an ordinance compelling the clergy of all denominations to take the oath to pope Pascal; but the indefinite adjournment of the restoration of union in the church shocked the consciences of many persons, and disappointed the hopes of all who had looked forward to the death of either Alexander or Victor as the signal for the extinction of the schism. The fretful spirit so evident at the diet might have revealed to the Emperor how seriously the loss of any portion of the popularity he had hitherto deserved and enjoyed might affect his position. But having set his shoulder to the wheel, he was not the man to draw back. He neither gave nor asked for quarter from his adversary. And it may be doubted

[e] There is some ground to surmise that the narrative from which this account of the diet of 1165 is abstracted was the production of a spy of Alexander III., if not of John of Salisbury, the friend of Becket, who certainly was in Germany at this point of time See his letter to Becket, as quoted by *Baron.* an. 1166, § 12, p. 258 But this narrative, taken together with the encyclical letters of the Emperor himself and the *Chron. Reichersperg.* (*Baron.* ibid.), furnishes a tolerably credible account of the transactions in question.

whether the battle of *principle* can be fought on any other terms. Either the principle must be maintained in its integrity, or one of the parties must lose its place in the world of thought and action. While in France, the busy brain of Alexander III. was engaged in working out the problem of pontifical supremacy on the largest scale. In Italy, meanwhile, events were in progress which promised material assistance in that direction. The Lombard cities were either in open insurrection, or nourishing in their hearts a secret aversion from their German masters. At Rome, the resident papal vicar had observed and profited by the undisguised resentment of the citizens at the hurried and irregular election of Pascal by a foreign power, in a foreign city, and with the omission of all those ceremonies which gave them an interest in the proceeding. Funds from France arrived about the same time, and were distributed with no niggardly hand in the proper quarters.[f] A majority among the magistracy and populace were prevailed upon to swear fidelity to Alexander, and consent to a modification of their senate and government according to his wish. The party thus reconstituted obtained possession of the Transtiberine and Sabine regions of the city; and a humble petition was transmitted to the Pope, entreating him "to return to the throne and people by God himself committed to his charge; so that she who, under the heathen emperors, had been more glorious than all other cities of the earth, might now, under Christ and his vicar, be exalted to the like rank and dominion."[g]

Return of Alexander III. to Rome.

But no decisive advantage was gained by the Pope and his friends as long as the Emperor's viceroy in Southern Italy, archbishop Christian of Maintz, was enabled to maintain his ground in Campania and the country about Rome. In the autumn of 1164, however, the German troops were withdrawn, and no obstacle to the return of pope Alexander appeared, except such as he might encounter from the

[f] "Pecunia non modica mediante." *Card. de Arag.* Vit. Alex. III., ubi sup.

[g] Vit. Alex. III., ubi sup. p. 456. *Chron. Fossæ Novæ*, ap. *Murat.* vii. p. 872.

maritime cruisers of the Pisans and Genoese. From the latter, however, he had not much to fear; the Pisans kept a better look-out, and the Pope was detained at Montpelier and the Isles Maguelonnes for an inconvenient period by the severity of the blockade.[h] Ultimately the pontiff succeeded in evading his enemies on the high seas, and ran in safety into the Tiber on the 24th November 1165. He was received by the citizens with great apparent cordiality;[i] but it is difficult to collect from the writers of the age what share in the reconstituted government was yielded to the restored pontiff. Whatever may have been the participation conceded, it is clear that it was based rather upon the strength of his party connexions than upon any constitutional compact; and that it was of so incidental and uncertain a character as to leave the citizens at liberty to manage their affairs pretty much at their own discretion. The Pope could not but be aware that the imperial interest still survived in Rome, and that numbers, both among magistrates and people, were ready to hold out the hand to any party in a condition to administer the usual stimulants. In such a state of things, the pontiff could rely on no permanent support from his Roman flock. His attention was therefore turned to the encouragement of the spirit of resistance to the imperial government, which had been gradually gaining ground in the cities of Lombardy and Central Italy; the improvement of his relations with the Sicilian court, and of the incidental advantages which the bloated ambition of the Greek emperor, Manuel Comnenus, at this critical moment, threw in his way.

The settlement of affairs in Germany after the diet at Würzburg detained the emperor Frederic till the month of November 1166. In that month his preparations were complete, and he descended into Italy through the pass of the Val Camonica, surrounded

Frederic I. in Italy.

[h] On one attempt to run out, the vessel conveying the cardinals was overhauled by the Pisan cruisers; but not finding the Pope on board, they released their prisoners, and suffered the passengers to continue their voyage without further interruption.

[i] *Romuald.* Salern., ap. *Murat.* vii. p. 215. Vit. Alex. III., ubi sup.

by an army not less complete in point of numbers, equipment, and discipline, than any that had hitherto followed his banner. His appearance in the plains of Lodi had the effect of a spell; the spirit of rebellion was hushed; feudatories, vavasors, and magistrates hastened to proffer their humble homage at the foot of the throne. The Emperor received and saluted them with a countenance from which every trace of resentment, every recollection of their recent disorders and treasons was banished; the fullest redress of all grievances was promised; nothing was allowed to transpire that might interrupt the harmony of the meeting; and Frederic commenced his march towards Rome in the persuasion that, for the present at least, he was secure against any fresh outburst of disloyalty that might interrupt his communications or endanger his retreat.[j]

He marches to Rome.

But in this expectation he was doomed to sad disappointment. In reliance upon his own benignant intentions, and in the belief that the Italians were fully impressed with the sincerity of his promises, he had concentrated all his forces for the one great effort which was to terminate in the overthrow of his mighty enemy, and the reduction of the whole peninsula under his pacific sceptre. The weight of his great name, the proved fidelity of the cities of Pavia, Crema, and Lodi, the loyalty of the flourishing republics of Pisa and Genoa, as well as of the territorial aristocracy of Lombardy and Piedmont, seemed to afford a sufficient security against any dangerous rising in his rear. Yet scarcely had he turned his face to the south when the emissaries of Alexander, furnished with large sums of money by the emperor Manuel Comnenus, were busy fomenting the smouldering discontents of the Lombards, ripping up old grievances, exaggerating the burdens which weighed upon them, and urging the resumption of those customs and abuses which the statutes of Roncaglia had abated.[k] The indefinite adjournment of the promised investigation and redress till the close of

Insurrection of the Lombards.

[j] Vit. Alex. III., ubi sup. *Otto Morena*, ap. *Murat.* vi. p. 1131. Conf. *Raumer*, ii. p. 198.

[k] See the enumeration of these grievances, ap. *Otto Morena*, ubi supra, p. 1127.

the campaign in the south, was made to appear as a mere subterfuge to evade the performance; and the disappointment of exaggerated expectations took the aspect of a fresh injury. All confidence in the integrity of the Emperor was thus easily talked out of them by the papal orators; and before he had advanced beyond Bologna the intelligence of a rising of the Lombard cities reached him, with correct information of the general design of the hostile league in the process of formation.

That design contemplated not only the abolition of the imperial magistracies in the cities, and of all the administrative abuses introduced by the officers of the government, but also an absolute repeal of the obnoxious statutes of Roncaglia, and the fullest restoration of all the privileges, as well as of all the disorders, incident to the self-government they had previously enjoyed. The first step of the insurgents was to rebuild and fortify Milan, and restore the expatriated inhabitants to their city and country. The loyal citizens of Lodi were compelled by force of arms to join the new confederacy, and the castle of Trezzi, the arsenal and treasury of the kingdom, was surrendered to them. The Emperor, however, believed that the root of the mischief lay, not in Lombardy, but in Rome; and that when once in possession of the capital—perhaps of the person of the Pope—the Sicilian overthrown or humbled, and the intriguing Greek driven out of Italy, he would have ample leisure to reduce the turbulent Lombard cities to obedience; and under this impression he determined to continue his march. But the insurrection in his rear impeded the collection of the requisite provisions and stores for the support of the troops, and the many necessary precautions against a dangerous interruption of his communications with Germany and his friends in the north of Italy. The healthy spring months of the year 1167 were consumed by these duties; and it was not till the 29th of June that Frederic was in a condition to lay siege to the city of Ancona, where the citizens, supported by the Greek garrison, were prepared for a vigorous defence.[1]

Intent of the insurgents.

[1] *Otto Morena*, Hist. &c. ubi sup. pp. 1131 et sqq.

Operations of archbp. Christian.

Three more weeks of invaluable time were lost in the siege. Sensible of the approach of the burning months of July and August, the Emperor admitted the city to a favourable capitulation. A large ransom was paid, and hostages for the future obedience of the citizens were placed in his hands, and the Emperor was at length at liberty to avail himself of the favourable reaction which had in the mean time taken place at Rome. Previously to the siege of Ancona archbishop Christian of Maintz had been detached towards the city with a considerable body of troops, to reduce Tuscany and the patrimony of St. Peter. In this operation the archbishop was abundantly successful. The Tuscan cities and nobili, as well as those of the Campagna, with little hesitation took the oath of fidelity to the empire and to pope Pascal. The cities of Tusculum and Albano, whose cry for help against the tyranny of the citizens of Rome had reached the ear and the heart of the Emperor, were effectually relieved. Confident in their superior numbers, and animated by that over-estimate of their own skill and prowess common to all mob-government, the Romans had ventured to meet the archbishop in the field. The first onset of the German chivalry threw them into irretrievable confusion; the defeat was decisive, the loss of life incalculable; scarcely a third of the army found a refuge from death or captivity within the walls of the city: "All that night," says our informant, "nothing was heard in the streets but the cry of lamentation and woe. The calamity was unexampled —the numbers of the slain unascertainable—the ransom of the captives of incalculable amount: since the days of Cannæ the Romans had never sustained so overwhelming a disaster." The presence of mind of Alexander, however, did not desert him at this critical moment. On the first news of the defeat he collected all the force he could muster to protect the flight of the citizens, and to bar out the handful of pursuers, who might otherwise have entered the city pell-mell with the fugitives. After this first successful effort, he repaired the walls where defective, and called in succours from the towns

in the neighbourhood which had not yet deserted his banner.[m]

Meanwhile archbishop Christian, reinforced by the Tusculan, Albanian, and Campanian militia, had closely invested the city, destroyed the harvests, taken and razed the castles of the Romans outside the walls, and removed every obstacle to a regular siege. Accordingly, after the capitulation of Ancona, the Emperor hastened by forced marches towards the city, and on the 16th of July encamped on the Monte Malo, within a stone's throw of the Leonine suburb. Archbishop Christian, with a land force and a fleet of Pisan galleys, was sent to intercept or drive back the auxiliaries which William of Sicily had hastily despatched to the relief of the Pope. Civita Vecchia meanwhile was reduced by Rainald of Cologne, and the whole course of the Tiber to the gates of Rome fell into the possession of the imperialists. Pope Alexander was thus cut off from all hope of relief from without; but he still found means to defend the Leonine city for a period of eight days; the storming parties of the besiegers were repulsed with loss by the papal mercenaries; and, all other expedients failing, firebrands were hurled into the intrenched enclosures of St. Maria Trastavere and St. Peter's: the former was soon in a blaze; the flames extended to the porch of the latter church, and the garrison, almost suffocated by the heat and smoke, were compelled to surrender at discretion.[n] This misfortune, however, left the Pope still in possession of the regions of the city on the left bank of the Tiber; a considerable subsidy in money, transmitted by William of Sicily, escaped the vigilance of the besiegers; and the zeal of the faithful nobili and soldiery was sti-

Siege of Rome.

Defended by pope Alexander.

Dangerous delays.

[m] *Vit. Alex. III.*, ubi sup. p. 458. *Romuald.* Salern. ap. *Murat.* vii. p. 207. *Chron. Fossæ Nov.* ibid. p. 873. *Otto S. Blas.*, *Murat.* vi. p. 878. *Sicardi*, Chron. an. 1166, *Murat.* vii. pp. 599, 600. The battle was fought on the 30th of May 1167. The estimates of the killed vary from 3000 to 15,000! besides many thousand captives.

[n] The biographer of Alexander III. imputes the surrender to the pious anxiety of the defenders to save the great basilica of St. Peter's from destruction. See also *Otto Morena*, Hist., ap. *Murat.* vii. p. 1151.

mulated by a liberal distribution of the new fund. The spirits of the citizens were somewhat revived, and their rising murmurs hushed for the moment. The siege was protracted; and more precious time was lost. But pope Pascal was inaugurated and solemnly enthroned in the church of St. Peter; and a further delay was occasioned by a delusive negotiation into which the Emperor suffered himself to be drawn. The principal condition proposed by Frederic was the self-deposition of both popes, and the free election of a successor by the whole body of the church without interference or participation on his part; the acceptance of this condition was to be followed by the dismissal, without ransom, of all the prisoners taken by the imperialists both before and since the commencement of the siege, as well as the restoration of whatever property or plunder belonging to the citizens might be recoverable.

Capitulation of Rome.

These proposals were no sooner bruited in the city than the populace clamorously called for their immediate acceptance. But to a man of the nerve and determinate convictions of Alexander III. any sacrifice, even to that of liberty or of life, was preferable to the abandonment of the principles on which he had irrevocably established himself and his church. His short reply to the terms proposed was, that "it was incompetent to church, or emperor, or any earthly power, to dictate to, or to sit in judgment upon, the pontiff of the Holy See." It was probably not difficult for the Pope to foresee the consequences of the rejection of the terms proposed. The terrified and dejected citizens entered at once into negotiations with the Emperor for the surrender of the city on the condition of taking the oath of allegiance to him and pope Pascal, and engaging to maintain the latter in undisturbed possession of the papacy. Upon these terms a treaty was speedily concluded; and Alexander was driven for refuge to the fortified mansions of the Frangipani and the sons of Peter Leonis, where for the moment he was safe against capture. But upon this asylum it was obvious he could not rely for more than a very limited time. He there-

Evasion of the Pope.

fore assumed the disguise of a German pilgrim, and in company of a few companions he evaded all pursuit till safe within the walls of Beneventum, where he was soon afterwards joined by the cardinals and clergy of his court.[o]

The evasion of the Pope was barely compensated to the emperor Frederic by the admission of his armies to the military possession of the capital. The citizens, however, took the customary oath of fidelity, and Pascal was formally established in the palace of the Lateran. The altars polluted by the presence of the "antipope" Alexander were solemnly purified or rebuilt; all his ordinations were officially cancelled; and on the 1st of August the emperor Frederic and his consort were anointed and crowned by the Ghibelline pontiff.[p] But the castles and fortified palaces of the Frangipani and the sons of Peter Leonis within the walls, with others garrisoned by the disaffected nobili, still held out for Alexander, and threatened a long and sanguinary resistance.[q] Yet these obstacles did not appear to be of material consequence to the numerous and elated host. Undaunted by the defection of the Lombard cities in his rear, Frederic regarded the reduction of Southern Italy, even to the Straits of Messina, as a question of time only; when a foe more deadly than the arm of flesh suddenly arrested his dream of conquest, and sent him back a destitute and bereaved fugitive to his native land.

Projects of Frederic I.

The campaign had been imprudently protracted until the summer heats, always prejudicial to the northern constitution, had set-in in all their intensity. Hitherto the troops had borne up well against the glowing drought of June and July. But on Wednesday the 11th of August the sky became suddenly overcast, and a deluge of rain moistened to saturation the thirsty soil; awakening into poisonous activity the deadly miasms which annually visit Rome and the

Pestilence in the imperial army.

[o] *Otto Morena*, ap. *Murat.* vi. p. 1151. See also the often-quoted Life of Alexander III. and *Romuald* of Salerno.

[p] *Chron. Foss. Nov. Murat.* vii. p. 873; *Otto Morena*, ibid. vi. 1151, 1152; *Raumer*, ii p. 209.

[q] *Otto Morena*, ubi sup. p. 1153.

Campagna. The flood was speedily followed by a clear atmosphere and a burning sun. The steaming soil gave forth those pestilential exhalations which so seriously affect even the acclimated inhabitants of the spongy and unwholesome soil. The fevers thus engendered, even under ordinary circumstances are accompanied by great prostration and depression of the animal spirits. But to a numerous army encamped upon the exsiccated swamps of the Campagna di Roma, and now converted into a poisonous morass by the first visitation of the autumnal rains, the worst effects were to be apprehended. In this instance the disease assumed its most deadly type. Within a few days cavalry and infantry, squires and pages, princes and nobles, prelates and clergy, were indiscriminately laid low; and in such numbers that the twenty-four hours of the day scarcely sufficed to bury the dead. The pestilence spared neither rank nor condition; the dukes Welf the younger of Bavaria and Frederic of Swabia, the archbishop Rainald of Cologne, the bishops of Prague, Ratisbon, Augsburg, Speyer, Verdun, and Liége, the earls Berengar of Sulzbach and Henry of Tübingen, with numerous other men of rank, and nearly two-thirds of the army, were carried to the grave within a few days. The morbid dejection which affected all alike, and alike contributed to the fatal termination of the disease, pictured the calamity to its patients and victims as a visitation of divine wrath; an impression that could not fail to be improved by the audible whispers of the papal emissaries. Before their distracted vision lay the still-smoking ruins of the sacred edifice they had with ruthless hands so recently destroyed; around them the sacred walls of St. Peter's still scorched by the flames, from which the great Basilica itself had escaped only by an indisputable miracle; the wonder-working images of Christ and St. Peter reduced to shapeless masses by the heat of the conflagration; every object around and about them bearing testimony to the sacrilegious act, and pointing to them as the criminals branded for divine vengeance.[r]

Destruction of the army.

[r] *Otto Morena*, ap. *Murat.* ubi sup. p. 1153.

The loss of a powerful and unconquered army was to the Ghibelline cause a minor calamity compared with the impression thus produced and diligently improved by the papal party. Here was, they said, a manifest judgment of God in the great controversy between the Emperor and their pontiff. The most fervent of Frederic's friends did not venture to deny that the calamity was a divine visitation for the sins of the army and people; while even the destruction of the host of Sennacherib before the walls of Jerusalem could hardly have conveyed to the heart of Hezekiah a more encouraging proof of the divine approbation and protection, than that which was impressed on the pontifical party by the sudden overthrow of the invaders upon the very scene of their crime. On the other hand, the loss of his nearest and dearest relatives, of his gallant companions in arms, of his faithful ministers, added to the defection of the cities of Lombardy in his rear, would have sufficed to break any spirit of feebler texture than that of Frederic Redbeard. But in his case the power of personal ascendency was greater than the worst influences of adversity.[8] The mourning, the unextinguishable grief, even the religious doubts of his native subjects and allies, produced no movement of impatience, no symptoms of disaffection. The cities of Pavia and Lodi, the republic of Pisa, the markgrave of Monferrat, adhered to his fallen, as they had done to his rising, fortunes, and, while a prospect remained of maintaining his footing in Italy, entertained no misgiving of the ultimate issue of his enterprise.

Moral effect of the overthrow of the imperial army.

But a hasty retreat, to save, if possible, a remnant of his once invincible host, had become a matter of imperative necessity. Quitting the graves of his faithful fellow-soldiers, and leaving the languishing victims of disease to the grudging care of the Romans, he hastened his march through Tuscany. The retreat was scarcely less marked by death than his camp before Rome. Hundreds fell and expired by the wayside; and of those whose constitutional strength enabled them to

Retreat of Frederic I.

[8] One of the most remarkable features this in the history of Napoleon I.

struggle through the ordeal, many took the tonsure, and devoted themselves to cloistral penances, or lost the hue of life, and walked forth the pallid spectres of their former selves.[t] Arms, baggage, munitions of war, prisoners, hostages, all were abandoned. The Emperor succeeded in making good his retreat to Lucca; shorn of all support but his own unsubdued courage, and the few remaining followers whom death and fatigue had spared to him. Here he found himself blocked out from all egress by the assembled forces of the Lombard confederacy. The venal friendship, however, of Obispo Malespina, marquis of Ivræa, enabled him to slip round the well-guarded pass of Pontremoli, and to thread his way through the wild ravines of the Apennines above Carara; and at length to reach Pavia, where he was hospitably and loyally entertained by the faithful citizens.[u]

Escape of the Emperor, and his measures to retrieve the disaster.

The power of life in the mental, as in the bodily constitution of human beings, is given, not acquired. If not bestowed at birth, it is unattainable by any system of training. In the character of the emperor Frederic I. we have an instance of this mental vitality of the rarest occurrence in history. Strength and clearness of purpose, presence of mind under danger and difficulty, fertility of resource, and, above all, a power of endurance proof against the sharpest blows of adversity, are seldom met with in so intimate a combination. His very first measure, after he had reached a place of safety, tended somewhat to abate the inordinate triumph of his enemies at the result of the late expedition. On the 21st September—therefore but a few days after his arrival at Pavia—he declared all the rebel cities, with the exception of those which had been forced into the league, under the ban of the empire; and threw up his mailed gauntlet in the air in token of outlawry and defiance.[v] "That," says one of his bitterest detractors, "which

[t] *Otto Morena* estimates the numbers of those who died during the retreat at 2000. By those who "tonso capite vix evaderunt," we understand those who took refuge in monasteries, and assumed the tonsure as a mode of escape or by way of penance. See his Hist. ubi sup.

[u] *Otto Morena*, ubi sup.; *Vit. Alex. III.* ubi sup. p. 460.

[v] *Raumer*, ii. p. 211.

most surprised the world was, that neither the remembrance of the many vices in which he had from his earliest youth habitually indulged,[w] nor even the recent chastisement he had sustained under the hand of God and St. Peter, had softened his obdurate heart, or converted him to a more contrite frame of mind." It may, however, have occurred to the memory of the sinner himself, that similar accidents had aforetime happened to German emperors and armies while engaged, under the same adverse influences, in the acknowledged service of God and St. Peter; so that no very certain inference could be arrived at of the intent of Providence, or the apostolic patron of the Holy See, in the late visitation.[x]

But the bold attitude assumed by the Emperor in his adversity had, in the outset, the effect of drawing closer the bonds which united the Lombard confederates. Hitherto the insurgent cities had professed a nominal allegiance to the chief of the empire. They now boldly proclaimed him a public enemy; and, echoing the voice from Rome, formally renounced obedience to the excommunicated heretic and rebel against God and St. Peter. Finding that the forces of the Ghibelline cities and feudatories of Lombardy were insufficient to stem the flowing tide of rebellion, he withdrew into Germany, to set on foot the measures requisite to support his faithful cities and allies in Italy, and to inflict signal punishment upon the confederated insurgents. The latter had, meanwhile, strengthened their position against Pavia on the one hand, and the markgrave of Monferrat on the other, by the erection on the river Tenaro of a new city, "in honour of God and St. Peter," called "Alexandria," after the pontiff of their choice. In the second year after its erection the new city and fortress numbered 15,000 inhabitants, collected from the adjacent towns and villages. To complete their charter of incorporation, the consuls threw themselves at the feet of the Pope at Beneventum,

Lombard cities; building of Alexandria.

[w] His enemies found it convenient to abstain from any specific charges, and to restrict themselves to those general imputations which might be safely predicated of any heretic or schismatic.

[x] Conf. Book ix. c. i. p. 30; ibid. c. ii. p 55.

and spontaneously surrendered their city to the right and ward of the blessed Peter and the Pope by an annual tribute to the Holy See.[y]

The Romans.

The retreat of the Emperor from Rome opened no immediate prospect of restoration to pope Alexander. The senate and people adhered tenaciously to the Ghibelline party. A resident officer of the Emperor's, with the title of chancellor, still maintained the communication with the imperial court; but all this without any abatement of the ferocious feuds with the neighbouring cities of Tusculum and Albano. In the month of April 1168 they succeeded in capturing and razing the latter city to the ground; and, with the aid of the Ghibelline counts of Ceccano, they defeated a body of pontifical troops in an attempt to invade Campania. In the same month died pope Pascal III.; the imperialists hastened to raise John abbot of Struma to the pontifical throne, by the name of Calixtus III. After some hesitation, the new party-pontiff was acknowledged by the Emperor. All parties had become by this time sensible of the wide gulf which severed them from each other, and the prospect of reconciliation which the death of Pascal seemed to open passed away unimproved by any.[z]

Death of Pascal III., and elevation of Calixtus III.

The Pope and the emperor of Constantinople.

The emperor Alexius Comnenus, however, neglected no opportunity of fishing in troubled waters. He now proposed to pope Alexander to transfer the imperial crown of the West from Frederic of Germany to his own head. He supported the proposal by an unlimited profession of spiritual submission to the Holy See, and devotion to her interests; but more emphatically, by the proffer of a large sum of money, and any amount of military aid the Pope might require to secure the objects of the negotiation, and the return of the seditious Romans under his government.

[y] "In jure S. Petri et S. Rom. ecclesiæ." *Vit. Alex. III* ubi sup. p. 460.

[z] See *Sicardi*, Chron. an. 1168, ap. *Murat.* vii. p. 601; *Chron. Fossæ Nov.* ibid. p. 873; *Vit. Alex. III.* ubi sup.

In his reply to these specious offers, Alexander accepted the professions of devotion as a dutiful homage to the Holy See; but the transfer of the imperial crown, he said, was a matter of such supreme importance and difficulty, that it could not be determined by private negotiation, nor be dealt with upon consideration of mere worldly advantage. He therefore politely dismissed the envoys of the Emperor with their money-bags in their hands; not forgetting, however, to send with them two high officers of his court, to compliment the Byzantine autocrat, and at the same time to ascertain whether any and what prospect existed of a revival of the Latin influence in the Eastern churches.[a]

The election of Calixtus III. had created unutterable disgust at the court of Beneventum.[b] Whether it was before or after the adoption of the choice of the Ghibelline party by the Emperor, is not clear; at all events, this point of time was chosen by the latter to sound pope Alexander as to any proposal of peace he might be inclined to entertain. The bishop of Bamberg—a prelate who had hitherto pledged himself to neither party—was sent privately to ascertain the views of the Pope on this momentous question, and, if he thought proper, to declare his master's readiness to acknowledge the Pope as legitimate successor of St. Peter *in limine*, but to leave every other question, political or religious, open to public treaty. The Pope, however, declined to receive any secret communication in fraud of his Lombard allies, and declared his resolution in no case to involve himself in negotiation, without the previous settlement of some definite basis upon which the future relations of the papacy with the empire were to rest. When pressed upon this point, the bishop was constrained

Frederic proposes negotiation to the Pope.

[a] *Vit. Alex. III.* ubi sup.

[b] The author of the life of Alex. III. indulges in the most indecent exultation at the death of Pascal III.—as he represents it—of a lingering and loathsome disease. His successor Calixtus is a lascivious, gluttonous, truculent caitiff, a horned beast raised to a throne of Satanic abomination, and worshiped with diabolical rites by a gang of perjured and headstrong idiots; he is a vile apostate, spurned by every honest man; the captain of a rascal-rabble of apostates, whoremongers, buffoons, renegade monks, condemned felons, thieves, and robbers; who supplied his indigence by plundering the poor, the pilgrim, and the wayfarer. *Vit. Alex. III.* ubi sup. p. 461.

to admit that he had no instructions to enter upon any matters touching either the future position of the Lombard cities, or to discuss any question of principle in controversy between his sovereign and the pontiff. Alexander, in his wrath, stigmatised the Emperor's message as a mean and worthless trick, intended to deceive or mystify him in the execution of his duty. "Inform your master," said he, "that as to the legitimate title of him whom all Christian kings and princes, together with the whole church of God, acknowledge and obey as their *lord and master*, there can be no question; if, therefore, he desires to be numbered among the sheep committed by God to the blessed Peter, *let him bow the neck beneath the yoke of the prince of the Apostles*, and return to the unity of the Catholic flock; if such be his intent, surely we shall honour him as the first among all the princes of the earth, and maintain him in the enjoyment of his entire prerogative; he, on his part, faithfully engaging to cherish the holy church *which raised him to the pinnacle of imperial dignity*, and preserve to her all her rights and liberties."[c]

Alexander III. demands implicit submission.

The world-wide divergency of views and intentions apparent in this and every other communication with the papal court,[d] afforded no practicable basis of negotiation. The pontiff could not permit a doubt to rest upon his title, nor admit that the imperial recognition could be other than absolute and unconditional. The Emperor, on the other hand, could acknowledge no derivative title to his crown like that insisted upon by the Pope, without "bowing the neck" to a yoke, the weight of which must prove too heavy to bear; nor could he permit the papal thesis to pass even *sub silentio*, without endangering every principle of imperial independence he had hitherto contended for.[e] The power to define its own privileges was, in fact, a fundamental principle of papal prerogative. To

Divergency of the imperial and pontifical theories.

[c] *Vit. Alex. III.* ubi sup. p. 462.

[d] See c. i. p. 23, and c. iii. p. 79 et sqq. of this Book.

[e] The embarrassments of his predecessor Lothar must have been fresh in his memory. See c. i. p. 12 of this Book.

submit to no law but that of its own making was an essential element of the pontifical scheme. That which was from Heaven would be neither regulated nor limited by human compact. The experience of the past might have convinced the emperor Frederic I. that the only mode of dealing with such a power was to be found in that sort of evasion and subterfuge by which the subject-kings of Europe had managed to maintain a practical independence. The parties had by this time fully ascertained each other's intent, and arrived at the conviction that no good end could be answered by conference or negotiation.

At this point of time, the pontifical interests in Rome and Southern Italy were unpromising. The Romans carried on their warfare against the Tusculans with increased malignity. A circumstance, however, occurred in the course of the quarrel which threw some advantage into the hands of pope Alexander. Rayno, the capitano or chief magistrate of Tusculum, despairing of holding out against the incessant attacks of his enemies, entered into a treaty with John or Jonathan, described to us as an ex-prefect of Rome, for an exchange with him of the lordship of Tusculum for that of two other boroughs of which Jonathan was the capitano. But the latter, after accepting the exchange, finding his position untenable, placed himself, and the territory of which he held the command, in the hands of pope Alexander. The latter gladly embraced the proposal; the new capitano surrendered to the Pope all his right and title to the lordship of Tusculum, and in return received back—probably as a feoff of the Holy See—the vicarious powers usually conferred upon the vassal by the suzerain;[f] after which, the Pope and the sacred college took up their abode in the city. The open protection thus extended to their enemies greatly exasperated the Romans, and the war was carried on with greater animosity than ever; till the latter, we are assured, found means to overreach the Pope.

The Pope takes the city of Tusculum under his protection.

[f] "Et prænominato Jonathæ de eadem civitate concambium tribuit," *i. e.* he sanctioned the exchange, and accepted him as vassal of the Holy See.

They promised, that if Alexander would consent to the demolition of the walls of Tusculum, they would receive him into the city, and thenceforward obey him as their sovereign lord. The proposal was accepted; the walls were laid low; but the treacherous Romans now declined to fulfil their part of the compact, and the Pope, perceiving the deceit that had been practised upon him, caused the tower or castle of the city to be strongly entrenched, left there a sufficient garrison of men-at-arms and foot-soldiers, and retreated to Agnani, where he set up his abode for some time longer.[g]

Breach of compact by the Romans.

[g] We have two accounts of this transaction, which differ in many respects, namely, that of the *Vit. Alex. III.* ubi sup. p. 462; and that of *Romuald* of Salerno, ap. *Murat.* vii. p. 210. In the text we have attempted to reconcile them, but without certainty of success.

CHAPTER VI.

CLOSE OF THE PONTIFICATE OF ALEXANDER III.

Great men—The Emperor in Germany—Archbishop Christian in Italy—Expedition of 1174; siege of Alexandria—Negotiations for peace thwarted by the Pope—Negotiations; demands on both sides; rupture—Haughty demeanour of the papal legates; opening of the campaign of 1176—Defeat of the Emperor at Legnano—Consequences of the defeat—Approach of the parties—Pontifical demands—Provisional treaty of Agnani—Alexander III. removes to Venice—The Emperor proposes the city of Venice as a proper place for the negotiation—Suspicions of the city delegates; they yield to the determination of the Pope—Progress of the negotiation—The Emperor approaches Venice—The treaty of Venice of 1178—Ceremonial interview between the emperor Frederic I. and pope Alexander III.—Character and scope of the treaty of Venice—Advantages derived by the Pope from the treaty—Practical defects of the treaty—Dispute about the county of Bertinoro—Feud between the Romans and the citizens of Viterbo—Difficulties of the papacy—Convocation of the great council of the Lateran—Questions for the council—Difficulties as to the Matildian estate—Imperial claim to the Matildian estate—Title by testamentary bequest—Growth of heresy; the Albigenses, &c.—Prevalence of heresy in the South of France—Inquisition in Languedoc—Meeting of the fourth general council of the Latins—Measures of the council; election law—Reformatory ordinances—Intent and object of the Pope in council—Decree of extermination against the Albigenses—Pause in the narrative.

Great men.

MISFORTUNE and failure are good touchstones of the ascendency of the ruling mind over the subject masses of mankind. The latter bow instinctively to success, and shrink from miscarriage or disaster. The qualities which inspire hope and confidence in the midst of difficulty and danger are exceptional. Habitual discipline or traditional loyalty may for a time support the declining cause of the feeble or the erring ruler, but neither discipline nor loyalty are equivalents for that mysterious influence over the common mind which is of the essence of *greatness*. The greatest men are those who, through every chance of lot or fortune, have never lost or forfeited the confidence or the affections of their subjects or followers.

The Emperor in Germany.

A trial of this kind awaited the elective monarch of Germany on his return to his dominions after the paralysing disasters he had so recently encountered in Italy. He had led across the Alps the most numerous and best-disciplined host Germany had ever poured forth; he had humbled the turbulent cities of Northern and Central Italy; he had driven the hostile pontiff from his capital; and already grasped in probable contemplation the crowns of Southern Italy and Sicily. And now he reappeared among his subjects a tattered fugitive, shorn of the outward trappings of majesty, and escorted by a few debilitated and dispirited companions, only numerous enough to make the enormity of the calamity the more conspicuous, the more mortifying to the vanity, the more discouraging to the hopes of his subjects. On his arrival in Germany labours even more urgent and distressing awaited him than those he had already undergone. The insurrection of his rebellious cousin, duke Henry the Lion of Bavaria, had kindled the flames of civil war in the northern provinces of the empire. Time and incessant toil were indispensable for the restoration of government and order; yet, throughout these exhausting exertions, no diminution of loyal attachment and devotion was apparent among the mass of his subjects. In his person the sanctity of the holy Roman empire suffered no disparagement. His justice and profound attachment to the laws of his country were notorious to all men. His sovereign jurisdiction in the quarrels of his restless subjects was submitted to with no diminution of respect and confidence; and a period of six years' residence sufficed to restore the public peace in Germany, and in a great degree to cancel the memory of calamities which would have weighed a less substantial reputation to the dust.

Archbishop Christian in Italy.

But neither failure nor the sedative influence of time and delay availed to banish from the minds of the monarch and his subjects the traditional conviction, that the kingdom of Italy was part and parcel of the holy Roman empire, and that the maintenance of the imperial supremacy in that country was

inseparably connected with the honour and dignity of their crown. In the very crisis of his distress and humiliation the Emperor had not lost sight of the measures necessary to keep alive his influence among his remaining adherents in Lombardy. In the year 1171 he had delegated viceregal powers to archbishop Christian, of Maintz. Eluding the snares of the Lombard confederates and the Pope, the prince-primate passed into Italy, and succeeded in assuaging the mutual jealousies of the Ghibelline republics and nobles, and in maintaining his hold upon the central and some portion of the northern districts of Italy, until matters were ripe for the reappearance of the Emperor in that country.[a]

Expedition of 1174; siege of Alexandria.

With all the difficulties of the enterprise full in view, though never fully appreciated by the hero of the age, Frederic I. marched with a powerful army, by the pass of Mount Cenis, into Lombardy.[b] The city of Susa was burnt, in punishment for the treacherous attack upon the Emperor in his hasty flight after the catastrophe of 1168. Asti submitted, and seceded from the Lombard league. Collecting the forces of the marquis of Monferrat and the cities of the Pavian connexion, he laid siege to the recently-founded fortress of Alexandria. Sensible of the importance of the post, the Lombard insurgents had strengthened the fortifications, and reinforced the garrison with their best troops. The defence was favoured by an unusually severe winter, which greatly impeded the attack, and reduced the efficiency of the imperial army. Notwithstanding these difficulties, and the activity of the enemy in intercepting his supplies and cutting off his communications, the Emperor persevered in the siege for a period of four months. Feeling, however, that the capture of the place would hardly compensate for the losses and sufferings already sustained, and those he must reckon upon from the further exposure of his ex-

[a] The operations of archbp. Christian in Central Italy are not of such importance as to require more particular mention. They may be read in *Romuald.* Salern. Chron. ap. *Murat.* tom. vii. p. 214. As to the abortive siege of Ancona, see *Raum.* Hohenst. ii. p. 260.

[b] In the autumn of the year 1174.

hausted troops, he raised the siege, and retired to Pavia to recruit and reorganise the army.

Negotiations for peace thwarted by the Pope.

Amid the chaotic conflict of parties in Lombardy there remained a few friends of peace, who thought this temporary suspension of military operations a suitable opportunity for negotiation or compromise. The citizens of Cremona stepped forward as mediators, and it was proposed that the Emperor on the one part, and the Lombard confederates on the other, should each nominate three representatives to agree upon the terms of peace; the consuls of Cremona to be the umpires in case of disagreement. The Emperor accepted the proposal with apparent cordiality, but *with reservation of the rights of the empire.* On the other side the Lombards acceded in like manner, but *with reservation of the rights of the church of Rome and their own liberties.*[c] Terms so limited seem, in their literal sense, to amount to a stipulation that each party should have his own way. After this it is difficult to imagine what there was to negotiate about. Some hope of a favourable result was, however, still entertained; and the Pope was invited to send delegates to the meeting of the mediators at Pavia, where, at the requisition of the Emperor, the conferences were to be held. Alexander III. complied with the request, but took care to delegate his powers to persons so disposed, and with instructions so framed, as to make sure of the rejection of every proposal that should not be based upon an unreserved acceptance of the broadest demands which he or his predecessors had ever put forward against the empire. On their journey to the place of meeting, the legates had publicly proclaimed the object of their mission to be the humiliation of the vanquished tyrant, and the abolition of the imperial influence in Italy. On their arrival at Pavia, their spokesman, Humbold, cardinal-bishop of Ostia, declined to return the imperial salutation, on the plea that, as an excommunicated person, he could have none other than official intercourse with him. Then assuming the whole apostolic dignity with which he was clothed, he

[c] See *Pertz*, Mon. Germ. Leges, ii. pp. 145, 146.

rehearsed to the Emperor all his transgressions from the earliest period of the schism. "Four recreant members of the sacred college," he said, "had alone adhered to him, and all these had been removed from this life by the judgment of God: the whole Christian world, himself alone excepted, had acknowledged Alexander as legitimate pontiff: what folly, what inconceivable obstinacy on his part, to hold out against the unanimous decision of the whole catholic church!" These reproaches were repeated in a similar strain of harsh incivility by the cardinals of Portus and St. Peter ad Vincula. Frederic, whose temper was generally faithful to his duty, listened with assumed patience to these irritating addresses. He replied mildly, that no one could more sincerely deplore the mischiefs that the existing discords had brought upon Christendom, or be more ready to apply the remedy if it were to be found.

Negotiations; demands on both sides; rupture.

Notwithstanding this unpromising beginning, Frederic resolved to throw no obstacle in the way of the negotiation. Philip, archbishop of Cologne, was empowered to confer with the legates; and a committee was appointed to treat with the Lombard cities. The object of the conferences embraced a general pacification between the Emperor and the Ghibelline cities on the one part, and the Roman church, the Lombard league, the king of Sicily, and the emperor of Constantinople on the other. In the result it appeared that the Lombards declined to accede to any terms but the absolute repeal of the decrees of Roncaglia, the renunciation of all feudal rights and dues, and the surrender of all the powers of administration and police on the part of the sovereign; reserving only a nominal allegiance, together with certain inconsiderable purveyances and supplies for special occasions, and military service on the part of the few remaining proprietors who still held their lands *in capite* from the crown.[d] The effect of

[d] Whatever domanial possessions the kings of Italy may have originally possessed in that country had been absorbed under the pressing necessities of the Germanic princes and their predecessors. There remained, therefore, no independent revenue to the sovereign, as in Germany and Burgundy; and all that was available for the support of the civil government were certain customary dues and duties, and occasional voluntary grants for popular purposes.

these demands was to leave the government without a revenue, deprived of all participation in the management of public affairs, destitute of the means of maintaining the public peace, or of exercising beneficially the limited judicial powers which were still theoretically vested in a sovereign, encumbered with the undivided responsibility for all the evils a weak government might bring upon a refractory community. Against these demands the Emperor insisted upon the decrees of Roncaglia[e] as a parliamentary settlement of the rights of the crown; but signified his desire to provide against the recurrence of those abuses which had given just offence to his subjects. The Lombards, however, treated the decrees as a violation of their ancient and unprescriptible rights. In proof of these rights they recurred to those periods of their history, within which the ancient possessions and prerogatives of the crown had been sacrificed to individual cupidity, or extorted from the feebleness of the government. They flung to the winds the Emperor's proposals of administrative reform, and evinced a settled determination to accept no remedy for existing evils but such as should reduce the sovereign to a cipher, and leave the rival municipalities without a check upon that boundless license of self-government which was now inseparably connected with the idea of liberty in the mind and habits of each and all of these petty republics.

Haughty demeanour of the legates; opening of the campaign of 1176.

The papal legates, it appeared, had come not with any view to negotiation upon terms, but to demand a pure and simple submission to the will of the Pope. Conditions consistent with any degree of participation on the part of the crown in the appointments to the greater ecclesiastical dignities, or even with the provisions of the treaty of Worms, were repelled with contempt and indignation. The mediators seceded from the conferences in disgust; and the meeting broke up with increased exasperation on both sides, and a settled purpose of committing the issue to the arbitrament of the sword. The legates turned their backs on the Emperor with curses on their

[e] Ch. iii. p. 64 of this Book.

lips. The confederates resumed hostilities by the merciless ravage of the territories of the markgrave of Monferrat and the lands of the citizens of Como. The Pope cursed and degraded the archbishop of Pavia for communion with the Emperor, and transferred his pallium to the dependent bishopric of Alexandria. Frederic was at this moment too weak to encounter his numerous enemies in open field. But in the following year (1176) the loyalty of his German vassals saved him from the humiliation of abandoning the contest without a struggle. In the spring of that year the archbishops of Cologne, Treves, and Magdeburg, the bishops of Worms and Minster, the earl of Flanders, and many other loyal princes and nobles of the empire, passed the Alps, and formed a junction with the imperial forces at Como. With this powerful reinforcement the Emperor was in a condition to open the campaign with reasonable prospect of success.[f]

Defeat of the Emperor at Legnano.

The state of the Emperor's affairs in Italy was, in fact, at this moment to appearance more promising than it had been since the disastrous retreat of the year 1168. The oversight of the Lombards in not blocking the passes of the Grisons had enabled his generals to force a passage at a point the most convenient to him, and the most detrimental to the confederates. In Central Italy archbishop Christian had gained considerable advantages, and was already in march to coöperate with his master against the rebellious cities. It was a matter of necessity at all risks to prevent the junction of the archbishop's forces with those of the Emperor; and the confederates determined to bring the latter to action before the dreaded operation could be accomplished. With that intention they crossed the Emperor's line of march from Como to Pavia. At a place called Legnano their advanced guard was encountered by a

[f] In the narrative of this fifth expedition of Frederic I. into Italy, as well as of the negotiations of Pavia, the *Vita Alex. III.* ap. *Murat.* iii. pp. 463-466, has been followed. Notwithstanding the fanatical partisanship of the writer, the series of events may be tolerably well collected from his narrative. A few facts mentioned by *Raumer* (Gesch. der Hohenst. ii. pp. 235-245), derived from authorities inaccessible to the writer, have been borrowed from that historian.

body of three hundred cavalry, and thrown back upon their main body in confusion. The fugitives took refuge behind the serried ranks of their countrymen, and Frederic, among the foremost of his host, hastily advanced to complete the supposed discomfiture of his enemies. The latter, however, stood firm, and in the first attempt to break the line the Emperor's standard-bearer was borne to the ground. At the same instant Frederic himself was accidentally thrown from his horse: his momentary disappearance spread a panic throughout the army; the whole array was broken up, and fled in unaccountable terror towards the fords of the Ticino; and in a few moments a victory as complete as it was unexpected crowned the arms of the confederates. The camp-equipage of the Emperor, and the treasure of the imperial army, fell into their hands, and—if we are to believe the reports of the day—very few escaped death or captivity. Neither friend nor foe doubted that Frederic himself had perished in the action: long and anxiously was his body sought among the dead and dying on the fatal field; when suddenly it was rumoured that he had appeared alive and unscathed within the walls of Pavia. The news was speedily confirmed, and a chilling doubt crossed the minds of the victors whether, as long as he lived, any substantial advantages had been gained to their cause.[g]

Consequence of the defeat.

The defeat of Legnano put an end for the present to every prospect of a speedy reëstablishment of the imperial authority in Northern Italy. But the neutral, or peace party, by whom the late negotiations had been set on foot, still held its ground, and now pressed for an accommodation with increased urgency. An attempt on the part of the Emperor to negotiate a separate peace with William II. of Sicily had failed. The brilliant offer of the hand of a daughter of the Emperor in marriage, with other advantages, had been, at the instance of the Pope, rejected by William, as the mere lures of the enemy of his soul; and the hand of Johanna, a

[g] *Vit. Alex. III.* ubi sup. p. 467; *Romuald.* Salern., *Murat.* tom. vii. p. 215; *Rog. Hoved.* ap. *Pagi* ad *Bar.* an. 1176, §§ 1, 2, p. 422. Conf. *Raumer*, ubi sup. p. 245.

younger daughter of Henry II. of England, was obtained for him, in lieu of the dangerous connexion he had renounced.[h] The continued disaffection of Henry the Lion deprived the Emperor of at least half the levies that would have been available for service in Italy; the mercenaries he had brought with him had for the most part perished in the siege of Alexandria and the subsequent operations, and now no resource remained but in the precarious fidelity of the Ghibelline cities of Pavia, Pisa, Genoa, and Como, and some minor communities. The few men-at-arms and personal adherents around him were dispirited by defeat; while success, and perhaps still more the general impression that in the late disaster the judgment of heaven was pronounced against the imperial cause, had excited a greater exultation in the bosoms of his opponents, and imparted an increased impetus to their already overpowering numbers.[i]

Approach of the parties.

On the other hand, pope Alexander III. was too wide awake to his own interests to allow the opportunity which the success of his allies had brought within his reach to pass by unimproved. Well acquainted with the formidable character of his opponent, he weighed maturely the advantages still at the disposal of his enemy: the military possession of Tuscany, Romagna, and the greater part of Central Italy; the many important municipalities still adhering to his interests; the devout attachment of the great body of his German subjects; and probably secret misgivings in his own mind as to the fidelity and endurance of his Lombard and Sicilian allies. With this state

[h] *Romuald*, ubi sup. pp. 214, 215. The proposal of the Emperor had been made in the preceding year, 1175; but the marriage with the English princess did not take place till the year following the battle of Legnano. *Pauli*, Gesch. Engl. vol. iii. p. 148.

[i] The relative force of the Ghibelline and Guelfic parties at this point of time is thus summed up by *Raumer* (Hohenst. vol. ii. p. 246): On the *imperial* side, the cities of Cremona, Pavia, Genoa, Tortona, Asti, Albi, Arqui, Turin, Ivræa, Vintimiglia, Savona, Albenga, Imola, Faenza, Ravenna, Forli, Cesena, Rimini, the markgrave of Montferrat, the counts of Blandrate, Lomello, Guasto, Boseo, &c.: the Lombard league comprehended the cities of Milan, Venice, Treviso, Padua, Vicenza, Verona, Brescia, Ferrara, Mantua, Bergamo, Lodi, Novara, Vercelli, Alexandria, Piacenza, Parma, Reggio, Modena, Bologna, the markgrave Malespina, &c. The numbers were tolerably equal, but the public force was greatly in favour of the confederates.

of affairs before him, the two great objects which his own position suggested, namely, the subjugation of the rebellious Romans, and the acquisition of the inheritance of the countess Matilda, were plainly unattainable without the peaceable concurrence, or the still deeper humiliation, of the Emperor. The former alternative appeared now within his reach, while the latter must be attended with serious risk. Alexander set himself about the task before him with consummate skill, and, it must be added, with equal good faith. The Emperor, on the other hand, whether acting upon the conviction that his plans for the government of Italy were impracticable, or simply with a view to preserve at least the semblance of sovereignty over that magnificent appendage of the empire, at once fell in with the views of the peace party, at whose suggestion the abortive negotiations of 1175 were undertaken. Frederic could hardly overlook the impression which the events of the last nine years had left upon the minds even of his most zealous supporters: the mysterious destruction of his army before Rome; the simultaneous rising of the principal cities of Lombardy; the rebellion of Henry the Lion in Germany; and lastly, the apparently accidental overthrow at Legnano, he must have known to be very generally regarded as the judgment of God against his cause. No pains had, in fact, been spared by the pontifical advocates to impart that colour to the series of mischances which had befallen him.[j] His own spirits might not be wholly unaffected by a similar misgiving; and now no time was lost in taking the necessary steps to ascertain the views of the Pope, and to initiate the negotiations.

Negotiation with the Pope.

For that purpose the archbishops Christian of Maintz and William of Magdeburg, with Peter, bishop-elect of Worms, were deputed, on the part of the Emperor, to wait upon the Pope, then residing at Agnani. They were received by Alexander with marked amenity and friendliness, and their address was listened to with indulgent attention.[k] But the pro-

[j] See chiefly *Romuald* of Salerno and the *Vita Alex. III.*

[k] Though it trenched upon a topic which must have given umbrage to the

posal of a separate treaty was declined, on the ground of the engagement of the Pope not to separate the interests of the church from those of his allies, or to enter upon any negotiation without their concurrence. The envoys, however, offered sound reasons for a provisional settlement of the disputed points between the empire and the church, to be made absolute upon the conclusion of a definitive treaty between all the parties to the negotiation, and not otherwise. Those parties were, the Lombard cities in alliance with the Holy See, the king of Sicily, and the emperor of Constantinople. Without the ultimate approval of these powers the pontiff declined to enter into any definitive treaty, but agreed to a private conference for the settlement of the special points in dispute between the empire and the papacy unconnected with the claims or demands of his allies.

Pontifical demands.

A fair estimate of the variety and importance of the subjects to be discussed at this conference may be arrived at by reference to the demands of Hadrian IV. against the empire. These demands were: 1. the entire magistracy, jurisdiction, and royalty of the city of Rome, described as the "Regalia of St. Peter;" 2. the renunciation of the powers of taxation and the levy of purveyances and dues of every kind within the domain of the Holy See, excepting only the needful supplies when the Emperor should appear to sue for the imperial crown; 3. the bishops of Italy to take no oath but that of fealty to the sovereign, without homage for the temporalities; 4. no imperial officer to set foot within the episcopal palaces or their curtilages; 5. the unqualified cession of the entire inheritance of the countess Matilda, comprising all the territories lying between Aquapendente and Rome, together with the cities of Massa, Ferrara, Fighierolo, the duchy of Spoleto, and the islands of Sardinia and Corsica, with all their *regalia*, to the Holy See in full right and sovereignty.[1]

fiery temper of Alexander's predecessor, Hadrian IV. It is remarkable that no notice whatever was taken of the circumstance of the envoys being excommunicated persons.

[1] See ch. iv. p. 95 of this Book; and conf. Book xi. c. x. p. 610. No specific enumeration of the estates, feudal or proprietary, of the countess Matilda is any where to be found.

Provisional treaty of Agnani.

These important questions, and the no less embarrassing demands by the Pope of those acts of self-humiliation which his predecessors had insisted upon with such pertinacity in their intercourse with all temporal princes, engaged the contracting parties for a period of fifteen successive days. At the close of the conference, however, the following preliminary articles, by which, in the event of a general pacification, the Pope agreed to be bound, were finally accepted by both parties: the Emperor engaged, 1. to renounce the successive antipopes he had set up, and acknowledge Alexander III. to have been all along the only true pope, performing to him all the ordinary and customary services; 2. to restore to the Holy See all lands, possessions, and things seized or held by himself, his grantees, or agents, rightfully belonging to the patrimony of St. Peter, with a covenant for the quiet enjoyment of the restored property, and to give back all the rights which, from the commencement of the schism, had been withdrawn from the churches without canonical adjudication; 3. to refer all controversies which up to, and in the time of pope Hadrian IV., had arisen between the empire and the papacy to commissioners, to be thereunto especially appointed, with reference back, in case of disagreement, to the Pope and Emperor; 4. archbishop Christian to be confirmed in the metropolitan see of Maintz, and Philip in that of Cologne by the Pope, an indemnity being provided for Conrad, the pontifical nominee of the former see, in the shape of an appointment to the first archprelacy that should fall vacant within the imperial dominions; 5. the Emperor to restore to the Pope the prefecture of the city of Rome; and 6. to surrender, under some conditions apparently left open for future consideration, the estates of the countess Matilda to the Holy See; 7. that he shall give his best aid and assistance to the Pope to recover all the "*regalia* of the blessed Peter," and other rightful possessions of the Holy See, abstracted therefrom either by his procurement or in consequence of his neglect.[m]

[m] *Pertz*, Mon. Germ. Leges, ii. pp. 147-149.

The total absence of diplomatic precision in these articles, and the reference of all particulars to future discussion and settlement, are strong evidence of the anxious wish of both parties for a cessation of hostilities, if not for a final adjustment of existing differences. The treaty, however, as it stood, was simply provisional, and depended upon the success of the negotiations with the Lombards, the king of Sicily, and the Byzantine court. After a variety of precautions, indicative of the mutual suspicions and jealousies of the parties to the negotiation, a congress was, at the instance of the Pope, appointed to meet at Bologna. In the mean time, symptoms of disunion appeared among the Lombard cities, arising out of the selfish attempts of Cremona and Tortona to gain from the Emperor certain special favours, which they thought might be obtained by a momentary show of loyalty. At all events, the pontiff lost no time in engaging William II. of Sicily to send ambassadors to the congress; and the latter nominated the archbishop Romuald of Salerno, and count Robert of Andria, the chief justiciary of Apulia, as his representatives. The Pope himself moved with much circumspection through the territories of the Sicilian monarch, towards the Apulian coast, with a view to embark there for Venice, where he proposed to tarry during the progress of the negotiations. After considerable delay from foul weather, and a protracted visit to the city of Zara, in Dalmatia, he disembarked at the port of Lido, on the 24th of March 1177, amidst the congratulations of the doge, the bishops, and the patricians of Venice, and the vociferous welcome of a vast concourse of citizens and strangers. The imperial commissioners delivered to the Pope a ratified copy of the articles agreed upon at Agnani, but demanded the removal of the congress to some place where the Emperor's person would be free from the dangers which threatened him among the hostile populace of Bologna.

Alexander III. removes to Venice.

Alexander replied to this proposal with some warmth, and declared that no change of the place of conference could be acceded to by him without the consent of all the

parties to the negotiations. A meeting of the delegates of the cities was accordingly appointed for the Easter Monday. The Emperor was represented by the five archbishops of Maintz, Cologne, Treves, Magdeburg, and Salzburg. On the part of the Lombards, a numerous attendance of prelates and delegates urged the choice of cities notoriously devoted to the confederates as the fittest places of conference. A lively altercation followed the proposal of the imperial envoys, in the course of which the Pope soothed the irritation of his allies, by an ostentatious enumeration of the Emperor's offences against the church and the liberties of the cities, but reminded them that the great sinner had given proofs of an altered mind. "This," he said, "was God's doing; for behold, an aged priest without arms[n] had cast down the pride of the German; and, without war, tamed the imperial tyrant: thus teaching the world to know, and human pride to acknowledge, that it is impossible to fight against God; for the Lord alone reigneth among men." That the opportunity thus providentially afforded might not be lost, he therefore proposed that the city of Venice should be the place of meeting, both because of its secluded position and of the greater security the powerful republic was able to afford for the safety and independence of all parties.

The Pope proposes the city of Venice as a proper place for the negotiations.

The delegates, however, entertained a suspicion that the treaty of Agnani would operate to the prejudice of their interests; that the Pope had secured for himself and his church advantages which might on his part produce a lukewarmness, at least, to the cause of his allies, and a disposition to bring the treaty to a conclusion at their expense. They replied, that they knew and greatly rejoiced that now all Italy had prostrated itself at the feet of his holiness; but reminded him, that it was *by their arms* and by the shedding of their blood that he had won this great victory: yet had he condescended to

Suspicions of the city delegates; they yield to the determination of the Pope.

[n] The homely maxim, "qui facit per alium, facit per se," was never very strongly impressed upon the pontifical mind.

a *separate negotiation* with their enemy; a course which they, on their part, had uniformly and consistently declined. Finding, however, that the Pope stood by his proposal, and that they could no longer reckon upon the advantage of the noisy or menacing support of their discontented friends, they satisfied themselves with proclaiming their determination to repudiate any terms of pacification which might involve the sacrifice of one jot or tittle of their just rights and liberties. The doge and the senate of Venice gave the necessary guarantees for the safety and independence of the several members of the congress on both sides, but with the express stipulation that the Emperor was on no pretence to be permitted to enter the city without the permission of the Pope and senate. The negotiations were protracted from the 20th of April to the 20th of June. The principal topics of discussion turned upon the question of the *regalia*, and the feudal dues and services. On the one side, the claims of the Emperor were set down as mere usurpations; while on his part, the ordinances of Roncaglia were insisted upon as the statutary and constitutional law of the kingdom.

Progress of the negotiation.

It speedily became apparent, that upon these points no definite conclusion could be arrived at. Anxious, however, not to lose the benefit of the treaty of Agnani, the Pope proposed that the discussion of this impracticable question should be adjourned for a period of six years; and that in the mean time there should be a suspension of arms, under the guarantee of the Holy See. At the request of Alexander, the king of Sicily agreed to accept a truce for the term of fifteen years. No notice was taken of the claims of the court of Constantinople, if any such were brought forward;° and the papal scheme seems to have been

° We refrain from following the very circumstantial narrative of these negotiations by the archbishop of Salerno. It is sufficient to observe, that the opinions of the law-schools of Bologna were in favour of the Emperor's right to the '*regalia*' or 'justiciæ' claimed against the insurgents in virtue of the decrees of Roncaglia. On the other side it was replied, that those decrees were not fortified by any general consent, and that the opinions of the lawyers were obtained by corrupt means. The customs of the realm under the four preceding reigns were brought forward by the imperialists; but declared by the other side to be void from uncertainty, or obsolete from disuse.

accepted as the basis of a truce which should afford a breathing-time to the exhausted combatants, and leave the pontiff in the enjoyment of all the advantages of his separate treaty. But the indignation of the Emperor, when he heard of this lame and impotent conclusion, might be more easily conceived than described. His envoys were instructed to urge the Pope, by every argument and all the influence they could command both with the curia and the magistracy of Venice, at once to ratify the treaty of Agnani. But, suppressing his ill temper, Frederic privately proposed to the Pope, that if he (the emperor) consented to the truce, the terms of the separate treaty, as far as they related to the inheritance of the countesss Matilda, should be so modified as to leave him in possession of those territories, with all their revenues, for the term of fifteen years, to run with the truce to be granted to William II. of Sicily; and that at the expiration of the truce, the title to the disputed inheritance should be judicially tried and determined. Alexander assented to the proposed cession, as a simple lease for fifteen years, and insisted upon the unconditional surrender of the territories in question to the Holy See at the close of the term specified.

The Emperor approaches Venice.

This turn in the negotiations was regarded by the confederates, not without some reason, as a departure from his engagements on the part of the Pope. The imperial envoys meanwhile had been indefatigable in urging him and the magistrates of the republic to admit the Emperor into the city. Their request was so far granted that Frederic was allowed to take up his quarters at Chiusa, a small town in the lagunes, about fifteen miles from Venice. Such was still the terror of his name, and the fear of his personal influence, that the delegates of the cities seceded in all haste to Treviso; the envoys of the king of Sicily threatened, in like manner, to take their departure; the remonstrances of the pontiff, who apprehended the total wreck

No basis for a treaty could be found; and under this conviction, it appears that the pontifical proposal of the double truce was accepted, and the most difficult of the matters in dispute adjourned *sine die*.

of his projects of pacification, produced no effect in allaying the alarm of the Sicilian king's ambassadors: "the Pope," they said, "might deem it right to sacrifice his life to his duty; they, for their parts, thought it their duty to preserve theirs for the service of their king and country." A delay of twenty-four hours was all that could be obtained, at the end of which the Sicilian galleys were to be ready for sea; and it was intimated to the pontiff that, if he thought fit, they were prepared to receive him on board, and protect him against any mischance. The doge and senate of Venice were by this time sensible of the error they had committed; and the Emperor, by the advice of his friends in the city, desisted from his attempts to make a nearer approach to the place of conference: he expressed his approbation of all that had been hitherto settled by the congress, and pledged himself well and truly to observe and keep all the articles and things, both in regard to the Pope, the Lombards, and the king of Sicily, contained in the programme of the convention.

The treaty as it now stood was, as far as the Pope and the church were concerned, based upon that of Agnani, with the single modification that the Emperor was to retain the whole government and revenue of the lands of the countess Matilda for the term of fifteen years, with an absolute reversion to the Holy See at the expiration of the term.[p] The Emperor acknowledged Alexander to have been, from the date of his accession, the only true pope: he cancelled the acts, and condemned the usurpations, to which he had hitherto given his support: he engaged to render all the honorary duties and services done and performed by his predecessors to those of the pontiff: he promised indemnity and restitution of all the estate and effects of the Holy See, and of the deposed or ousted clergy since the beginning

The treaty of Venice, 1178.

[p] *M. Raumer* understands this article differently. In his view, "the Pope was to have the usufruct of the Matildian estates for fifteen years; and the doubt that might exist in that respect (qu. in respect of the reversion?) to be settled by an amicable arrangement." This was the gist of the *Emperor's* proposal; but it is expressly stated by *Romuald of Salerno* that the Pope insisted upon the absolute reversion. See Hohenst. ii. p. 253.

of the schism, or because of the same: he granted a general amnesty; and engaged to take steps for the settlement of individual claims by amicable arbitration. The archbishops Christian of Maintz and Philip of Cologne, and all other prelates who should not have usurped their sees by open violence or the expulsion of the legitimate occupants, were confirmed in their honours, and an indemnity was found for the pontifical titular, Conrad of Maintz, in the archbishopric of Salzburg, which had at that moment become vacant. The antipope Calixtus was to renounce his usurped dignity, and to be put off with an abbey; and the cardinals of his party were to occupy their prior position in the church, if canonically acquired. Finally, the Emperor and the Pope mutually guaranteed to each other the entire rights and prerogatives of the church and empire. On the part of the Lombards a truce of six years was agreed to; and, with the king of Sicily, a suspension of hostilities for the term of fifteen years: during the first of these periods the Emperor engaged to demand no oaths of allegiance from the confederate cities; to impose no penalties or punishments for the neglected services of their feoffs or territories, and renounced all right to take judicial cognisance of any alleged crimes or offences theretofore charged or committed; all disputes at present existing, or which might thereafter arise, to be settled by arbitrators and umpires to be severally appointed on both sides.[q]

Ceremonial interview between the emperor Frederic I. and pope Alexander III.

The unhesitating promptitude of the Emperor in accepting this programme appears to have banished the suspicions of both parties. The Lombard envoys reappeared in Venice; the agents of the king of Sicily thought fit to be appeased; and the Emperor was frankly invited to confirm the treaty, and accomplish his formal reconciliation with the church by an interview with the pontiff in person.[r] The intercourse between these two great rivals

[q] *Pertz*, Mon. Germ. Leges, tom. ii. pp. 151, 155, 158. Conf. *Raumer*, ubi sup.

[r] A curious feature in all these proceedings is the multiplication of oaths, by which the Pope thought it necessary to bind down his late opponents. The conferences at Agnani, the advance of the Pope to Venice, the approximation of the Emperor towards the city, the

is described in glowing terms by the archbishop of Salerno, himself the eye- and ear-witness of the whole transaction. The Emperor had made up his mind to omit no item of the customary ceremonial. He therefore prostrated himself at the feet of the Pope,[s] and was immediately raised up from the ground and saluted by the pontiff with the kiss of peace[t] and the pontifical benediction. The subsequent intercourse between these remarkable men is described to have been of the most cordial kind. On the morrow of the reconciliation a pontifical high mass was sung at the request and in the presence of the Emperor. On this occasion the ceremony of the bridle and stirrup was dutifully performed on the way from the palace to the church; and as a supererogatory testimony of honour the Emperor condescended to officiate as the "ostiarius"[u] (subdeacon) of the pontiff during the service. This ceremony concluded the intercourse between Alexander and Frederic; and the former embarked in the Sicilian fleet for the Apulian shores on his return to his retreat at Agnani.

Character and scope of the treaty of Venice.

The results of the treaties of Agnani and Venice were, on the one hand, theoretical and prospective; and on the other, present and practical. The concordat of Worms received a tacit sanction: no provision is found in the treaties restrictive

preliminary agreements for the treaty, and lastly, the admission of the Emperor to his interview with the Pope, were all accompanied with oaths purporting nothing less than eternal damnation to all the persons engaged for the minutest breach of the terms. Such flourishes of the spiritual sword, however, are an important resource of all sacerdotal government. They serve not merely to intimidate the faithless, but to impart the air of an originating and ordaining power to the mere patrons and instigators of the acts of others.

[s] "Ad pedes papæ toto se extenso corpore inclinavit." A dangerous condescension! which no doubt gave occasion for the fiction propagated not long after, though at the time unnoticed by the archbishop of Salerno or the author of the Vit. Alex. III., of the disgraceful degradation inflicted by the Pope upon the prostrate sovereign. According to this tradition, the Pope placed his foot upon the neck of the Emperor, reciting from Ps. xci. 13, "Super aspidem et basiliscum ambulabis, et conculcabis leonem et draconem;" to which apostrophe the Emperor is said to have replied, "Non tibi, sed Petro;" the Pope rejoined, "Et mihi et Petro." *Baronius* (an. 1177, pp. 470, 471) contends stoutly against this fable. *Bower* (Lives of the Popes) traces it to a certain Fortunatus Almus and other later writers. *Fleury* does not notice it at all. Conf. *Raumer*, Hohenst. ii. p. 252.

[t] It is remarkable that in neither narrative any formal absolution or revocation of the excommunication is noticed.

[u] The "ostiarius" was the first degree of ecclesiastical orders. *Ducange*,

of the powers of the Emperor in the appointment to ecclesiastical dignities: the Germanic theory of the co-ordinate character of the spiritual and temporal authorities remained uncontradicted: no allusion is made to the *derivative* title of the Emperor to his crown,[v] so rudely insisted upon by Hadrian IV. and by Alexander himself, as his minister, at the diet of Besançon; and nothing remained to countenance the pontifical dogma of a governing supremacy but the symbolical acts successfully contended for by the Pope. Still it was open to the court of Rome to interpret those acts as *analogous to that of homage;* and in pursuance of the principle, by this time habitual to the Roman curia, never to separate their temporal from their spiritual status,[w] all outward acts denoting religious supremacy were construed to extend to every relation between the Holy See and the powers of the world subject to their spiritual jurisdiction. On the other side, the analogy was persistently denied; there was no resemblance between those acts and that of homage; the one being a simply religious form, the other an avowed acknowledgment of temporal subordination and allegiance. The treaties of Agnani and Venice left the repugnancy of the two constructions as it stood from the birth of decretalism, and, it may be added, still stands in the heart and mind of the Roman court.

Advantages derived by the Pope from the treaty.

The present practical gains of the papacy were important. Alexander III. had wisely sacrificed present acquisition to the security of the papal title to possessions of incalculable value both in point of revenue and position; he had achieved a brilliant victory over all his competitors; he had brought the holy Roman empire and its imperious chief to his feet; all the indemnities he could reasonably claim, and his late adversary could grant, were promised or obtained; the whole Latin world sued to him for favour or for pardon; the peace of Italy was secured for a period of six, and his southern dependencies for a term of fifteen years.

ad voc. It seems to have been held that the coronation and unction of a sovereign imparted a clerical character to his person and office.

[v] See ch. iv. p. 99 of this Book.

[w] Both being held to constitute *one church*, as body and soul constitute *one man*.

The immediate result of the reconciliation was an influx of repentant schismatics, ostentatiously renouncing their irregular ordinations or appointments, and craving a confirmation of their dignities and benefices. The Pope met the petitioners with benignant reproof and generous oblivion. Even the antipope John of Struma (Calixtus) received a free pardon, and in token of forgiveness was admitted to familiar intercourse with his late rival.[x] But probably the prospect opened to him of the restoration of his authority within the city and patrimony of St. Peter was the most valued of all the advantages of his success. It is true that the treaty contained no stipulation for his restoration by force of arms; but it established him as the chief magistrate of the republic, and conveyed to him, without reserve, all the *regalia*—that is, the substantial control of the government and revenue of the state, relieved from the burdens and dues which had been hitherto insisted upon as incidents of the imperial suzerainty. *Without direct renunciation, the ultimate sovereignty of the empire within the pontifical territories and its feudal dependencies was reduced to a nonentity.* Southern Italy was thus, as it were, by a side-blow, practically severed from the empire, and the great principalities of Campania, Apulia, and Calabria placed beyond the reach of the imperial control by a treaty which, in its fair interpretation, left no room for foreign interference. The citizens of Rome, deprived of all external support, prudently determined to make their peace with the Pope. By a formal treaty they agreed to swear fidelity to Alexander, to surrender all the *regalia* into his hands; to renounce all feuds and claims against himself and his friends, and all right or intention to obstruct the officers of his government and suitors of the Holy See in their intercourse with the pontiff and his court. These terms, however vague, appear to have satisfied both parties, and the pontiff was received by his repentant subjects with those noisy demonstrations of pleasure in which the ver-

[x] *Gest. Alex. III.* ap. *Murat.* iii. p. 472; *Romuald.* Salern. ibid. tom. vii. p. 241.

satile population of Rome were accustomed to drown the memory of bygone dreams and anticipations.[y]

Practical defeat of the treaty.

The successes of Alexander, though in the main of a very encouraging character, were still indecisive. Some general principles had been ascertained and settled; others, of equal importance to the papacy, as measured by previous demands, had been passed by or ignored. Every thing had been left to future negotiation under an impracticable reference back to the contracting powers themselves, and therefore as fruitful as ever of disputes, excommunications, interdicts, and the clang of arms. Soon after the conclusion of the treaty of Venice, a fresh, though a minor, subject of disagreement presented itself in the shape of claim by the Pope to the county of Bertinoro,[z] alleged to have been then recently bequeathed, for the benefit of his soul, by the childless count of that rich district. It is uncertain whether this territory was a part of the Matildian inheritance, or an independent feoff of the kingdom of Italy. In the former case, the Emperor would become entitled to the immediate possession under the late treaty; in the latter, he would take it by escheat for want of heirs, unless the testamentary disposition of the late count were held to supersede the general law on the subject. Alexander, acting upon the affirmative of the question, immediately despatched commissioners to take possession of the bequeathed lands on behalf of the Holy See. Frederic naturally entertained the opposite view; and, says our informant, "by the advice of certain malignant persons," ejected, without ceremony or delay, the papal agents and garrison, and caused the subjects and subtenants of the town and county to swear allegiance to himself and his son. Whether under the influence of doubt as to the exact legality of his own

Dispute about the county of Bertinoro.

[y] *Gest. Alex. III.* ap. *Murat.* ubi sup. vii. p. 475. The fulsome dulness of this and almost all the preceding biographies is so wearisome, that we can hardly regret that this is the last in the collection of the Lives of the Popes edited by the cardinal Aragonio. See also *Romuald.* Salern. *Murat.* vii. p. 270. According to Romuald, the entry of the Pope into Rome took place on the 12th March 1178, the feast of St. Gregory the Great.

[z] Not far from Forli, in the modern Romagna.

claim, or from a reluctance to disturb the peace of the church and kingdom, then so recently settled, Alexander forbore from urging his demand upon this new acquisition, in the hope that "the Lord would soften the heart of the Emperor, and move him to restore to his church what rightfully belonged to her."

This transaction appears to have followed closely on the departure of the Emperor from Venice, where he had tarried from the early part of August to the 13th of September 1177. Alexander had taken his departure nearly one month after him, and had passed, by way of Troja and Beneventum, to Agnani. Meantime a commission, consisting of the imperial lieutenant, Christian archbishop of Maintz, a cardinal, and a subdeacon, had been nominated to define and superintend the delivery of the *regalia*, as ceded by the treaty. The Romans had simultaneously made their peace with the Pope; and it might have been expected that the pacification would have greatly facilitated the operations of the commissioners. But it appears that in the interim the antipope, John of Struma, had placed himself under the protection of the republic of Viterbo; but that the news of the treaty of Venice had induced him to take refuge in the castle of John of Montalbano, who is said to have given him shelter in the hopes of earning a large sum of money from Alexander for betraying him. Archbishop Christian, however, forthwith laid siege to the castle, but was speedily called away to suppress an insurrection of the people of Viterbo against the nobili of the city, under the auspices of Conrad marquis of Monferrat. Notwithstanding their submission to the Pope, the Romans had not renounced their municipal privileges, and, in spite of the remonstrances of pope Alexander, despatched a strong force to the assistance of their friends the nobili of Viterbo, against the Germans and the commonalty of the city. By the advice of the Pope, the citizens retired within their walls, and the Romans were compelled to retrace their steps, with no other satisfaction than the useless and merciless ravage of the territory of the city.

Feud between the Romans and the citizens of Viterbo.

The hostility of the Romans, however, threw the latter into the arms of Alexander. Anxious to emancipate themselves from the yoke of the nobili, the prefect or podesta of Viterbo made his way to the Pope, did homage to him on the part of the republic, and was confirmed in the prefecture of the city as a feoff of the Holy See.[a]

Difficulties of the papacy.

The humiliation of the Romans, and the important acquisition of the city and territory of Viterbo, sensibly enlarged the powers and fortified the position of Alexander, and compensated for the loss of the more distant county of Bertinoro. After the reconciliation of the antipope Calixtus,[b] not an enemy appeared in the field, and he was at leisure to take in hand the redress of the disorders and abuses, real and alleged, which had crept into the church during the late schism.[c] And, in truth, the watchful eye of Alexander III. could not fail to detect sources of difficulty and uneasiness, if not of danger, to the pontifical scheme in several quarters. No settlement had been obtained of the nature and extent of the Matildian claim. An amount of corruption had crept into the ministrations of the curia and of every branch of the ecclesiastical judicature, which enfeebled the influence and thwarted the operations of the spiritual government, by enlisting the moral sympathies of churches and nations in opposition even to its legitimate demands. Several instances, to which we have had occasion to refer in the course of the narrative, show how utterly inoperative the law of Nicolas II. for regulating the papal elections had turned out. Some remedy was requisite against these pernicious irregularities—some security against the inveterate factions by whom claims to the chair of Peter had been so frequently disputed, and

[a] There is no little difficulty in deciphering the import of *Romuald's* account of this transaction. Viterbo appears to have been, like so many other cities of Central Italy, a civic republic theoretically dependent upon the crown, but governed by an elective chief magistrate or podesta. The citizens, as in like cases, were divided between the faction of the civic nobles and that of the citizens; the latter siding with the Pope, the former endeavouring, under the patronage of the marquis of Monferrat, to reinstate themselves in possession of the municipal government. *Chron.* ubi sup. p. 241.

[b] On the 4th of August 1178. *Romuald*, ubi sup. p. 243.

[c] *Bar.* an. 1178, p. 480.

the unity of the sacerdotium broken up. Pluralities and clerical extortions of various kinds called loudly for reform; and among the monastic institutions abuses and corruptions prevailed which threatened to deprive the papacy of much of that religious influence which it had hitherto derived from conventual support and devotion. Not the least of these difficulties and dangers were those which arose from the threatened defection of an important part of the French kingdom from the Latin church. The alarming increase of the so-called Albigensian heresy, and of other dissenting bodies, representing the accumulated grievances of the religious mind against the government and ritual of the Roman church, had, as we have seen, for many years past aroused the indignation and stimulated the passions of the established priesthood. The humane and pious Bernard of Clairvaux had himself sounded the key-note of persecution; nor was there a conviction more firmly settled in the minds of his disciples and successors than that no measures short of the extinction of the dissent and its professors could prevent that general religious insurrection of which so many indications were still discernible in some important parts of Latin Christendom.

These were the principal points which absorbed the attention of the energetic pontiff at this stage of his government. A general council was accordingly convoked to be held at Rome on the first Sunday in Lent (the 18th of February) in the following year (1179), in the great church of the Lateran. Every precaution was taken to render the meeting as full and complete a representation of the Latin church as possible. The emissaries of the Pope traversed Christendom from east to west and from north to south, distributing the pontifical summons to attend a general council of the Christian churches, for the remedy of the many evils which had crept in during the schism; but more especially to settle the title and the territorial claims of the Roman pontiff upon a solid basis; and to unite all Christian churches, princes, and people against the wide-spreading heresies which threat-

Convocation of the great council of the Lateran.

ened, as it was alleged, the very foundations of religion in the world.

Questions for the council.

Without alluding more particularly to the character of papal elections, and the modes hitherto pursued of ascertaining the right and title of the supreme pontiff, we merely observe, that no kind of rule or uniformity of practice had hitherto prevailed; consequently that there really was no legal or canonical mode of conveying an indisputable title to a candidate for the pontifical throne. The territorial claims of the popes stand upon more definite grounds. These claims were, as we have seen, the prefecture or supreme magistracy of the city of Rome, the 'regalia' of St. Peter, and the inheritance of the countess Matilda. The acquisition of the prefecture was affected by the treaty of Venice, and that of the regalia proximately settled by the same instrument. With regard to the third point, we have seen that the treaty left the Emperor in possession of the greater portion of the ancient feoffs and territories of the Tuscan dukes for a term of fifteen years. But these estates were widely scattered over the surface of Lombardy and Central Italy. In many cities the countess had held special or incidental rights and jurisdictions; in others these rights were so numerous and preponderant as almost to amount to dominion, and in this relation the cities of Lucca, Parma, Modena, Mantua, Ferrara, Reggio, Monferrat, Spoleto, and some others, were included at the time of her decease. By her will, however, she had bequeathed not only the rights and revenues of these dependencies as countess or marchioness of Tuscany, but also her fiefs and possessions, feudal or allodial, for the sole use and benefit of the Holy See, discharged of all prior obligations or conditions, "so that thereafter they might form an integral portion of the estate of the Roman church, to be dealt with by that church at pleasure, without reserve on her part, or that of any one claiming under or through her."[d] Under this donation

Difficulties as to the Matildian estate.

[d] See the terms of this celebrated donation as set out in Book xi. c. vi. p. 610, of this work, with the authorities there quoted.

the popes had set up a continuous claim to all that might be construed to pass under the bequest, without limit or restriction. The cities, on the other hand, contended variously that the rights and jurisdictions enjoyed by the good countess were personal or permissive only; or that she had arbitrarily usurped them: a state of things which naturally came to an end at her death, or might be got rid of at any favourable opportunity. And, in fact, the cities had since then in various ways succeeded in acquiring a perfect autonomy as to municipal government, and were mightily disinclined not only to permit the revival of any such claims, but even to tolerate an inquiry as to obsolete rights and jurisdictions, whether set on foot by Pope or Emperor.

Imperial claim to the Matildian estate.

The case on the part of the latter, as far as it can be collected at this distance of time, stood thus: the fiefs of the countess, and probably also her allodia and available rights, would have passed naturally to her heirs as feudal dependencies of the empire or kingdom of Italy. But as it did not appear who those heirs were, or that any claim was set up on their behalf, the emperor Henry V. had taken possession of the territories and their appurtenants as an escheat to the empire. The emperor Lothar (A.D. 1133) had given some countenance to the papal pretension by the cession of a portion of the disputed lands to pope Honorius II., and receiving it back as a papal fief, in consideration of an annual payment of 100 marks of silver in token of suzerainty, but with a reversion, upon the same terms, to Henry the Proud duke of Bavaria, who now set up a title to the whole as lineal heir to the deceased countess. But as to what lands this cession consisted of, we are as much in the dark as we are in regard to the whole inheritance of the late countess. Whatever they were, it is tolerably plain that they were dealt with by the emperor Frederic I. as fiefs of the empire, and that by the adjudication of his supreme court they had become vested in the Bavarian family.[e]

[e] Cf. *Chron. Weingart.* ap. *Leibnitz.* i. p. 798; *Eichhorn,* Deutsch. Staats- und Rechts-Gesch. § 237, note (a), pp. 81-91.

Title by testamentary bequest.

The general title of the Pope, after the treaty of Venice, to the reversionary possession of the Matildian territories stood upon too strong ground to be disputed. Yet it is clear that many points of collision must still present themselves, both as to the extent and the incidental rights of the ceded possessions. The consideration, however, which most attracts our attention in this transaction is the countenance it gave to a striking innovation upon the common law of Europe. By that law, if there was a failure of heirs either in the direct or collateral line of kindred, estates of every description escheated to the crown, and could not be diverted by any testamentary disposition. In fact, the power of alienation by will or bequest was an innovation of the canonists, borrowed from the Roman law, and wholly alien from the feudal theory of transmission.[f] Notwithstanding this, the practice of disposing of allodial property and every kind of *personalty* by way of testamentary bequest was of early date, and was gradually extended by the clergy to *all kinds of estate;* so that, when applied to the augmentation of their own possessions, it became a principal source of those vast accumulations of land in mortmain, which so materially abridged the rights both of the crown and other superior lords of the soil. The twelfth century marks the period in which the effects of this mode of alienation began to be most severely felt, and which led to legislative measures for its repression in our own country, and a strong and active opposition in many others.[g]

Growth of heresy: the Albigenses, &c.

We must now advert shortly to the progress of the so-called Albigensian heresy in the south and other parts of France, since the inquisitorial commission issued by pope Eugenius to Bernard of Clairvaux in the year 1147.[h] It has been observed that, notwithstanding the eloquence of the preacher and the abundant miraculous attestation vouch-

[f] See Book ix. c. ii. pp. 44, 45 of this work.

[g] Conf. *Stephens's* Blackstone, vol. i. p. 421. The enormous grants in mortmain by the emperor of Germany and the French kings were a principal cause of weakness against the encroachments of the clergy, and contributed greatly to the success of the papacy in its contests with the secular state.

[h] See c. ii. p. 50 of this Book.

safed to his mission, the efforts of Bernard had been unavailing in arresting the growth of the new sect. He had, however, in some dim way perceived the dangers likely to accrue to the Latin scheme from the obdurate spirit of hatred and resentment the fashionable modes of repression resorted to were certain to call forth in the hearts both of the persecutors and their victims. The principle of the various dissenting bodies was unequivocally *separation from the established church;* and we think that an attentive consideration of the course of the controversy discloses the fact that this determination, and not so much doctrinal differences, was the head and front of their offending. Ever since the martyrdom of Peter de Bruys in the year 1116,[1] these sects had so increased in numbers as to suspend, and even to supersede, the ministrations of the established clergy, and almost to reduce the bishops of the southern dioceses to inaction. The complaints with which they besieged the ears of the kings of France and England and the Pope were loud and incessant. The secession by this time extended to every rank and condition of life. Nobles and men of rank, burgesses and countryfolk, participated in the general aversion from the spiritual tyranny of their appointed pastors, and disgust at the dissolute lives and selfish pursuits of many among the number, but more especially of the prelates and the dignified clergy. Persons of rank and wealth now stood forward boldly as the advocates and protectors of the persecuted sects. They had, in fact, become powerful enough to defend themselves successfully against certain feeble attempts of the kings of France and England to effect their conversion by force of arms. Though willing to do the work of the priesthood in a small way, those princes changed their minds when larger and more expensive preparations for the holy work became necessary: they thought it most convenient that spiritual foes should be encountered by spiritual weapons; and under this impression the Pope was moved to summon a meeting of the bishops of Provence at Lombers, not far from Albi in Narbonnensian

[1] See ch. ii. p. 36 of this Book.

France, rather as a court of inquiry than with a view to judicial proceedings against the recusants (A.D. 1176). The latter appeared, and answered to the various points objected to their doctrine. Some of these objections they met by a flat denial; and on others they appear to have yielded to argument: they professed their adhesion to all the articles of the apostles' creed; they spoke indeed doubtfully of the inspiration of the Old Testament; but confessed the real presence in the holy eucharist, pretty much in conformity with the then current dogma.[j] Neither argument nor threat, however, could induce them to admit the ministrations of a vain, self-seeking, profligate clergy: they had, they said, forfeited all claim to the respect and obedience of their flocks by their wicked lives, their pride, their luxury, their sumptuous robes, and their partial and unjust judgments.

Prevalence of heresy in the south of France.

The conference at Lombers broke up amid the threats and execrations of the commissioners and their friends. After this the heresy, we are told, made still more alarming progress, till it embraced the greater part of the ecclesiastics and nobility of Upper Languedoc and a part of the lower province. The clergy themselves were infected; families were divided, the churches unfrequented and falling to decay. The count Raymond of Toulouse complained that his powers were insufficient to put down the heretics, because the most notable among his subjects had embraced their errors; and these again had drawn after them the great body of the people; so that he neither could nor dared undertake any thing against them: the spiritual sword, he said, had availed nothing; therefore recourse must be had to the temporal.[k]

Inquisition in Languedoc.

About three years later a more numerous commission, with extended powers, was despatched to the infected provinces. A cardinal-legate from Rome, the archbishops of Bordeaux and Narbonne on

[j] The doctrine of transubstantiation was not settled as an article of faith till the great Council of the Lateran under Innocent III., A.D. 1215.

[k] *Rog. Hoved.* Annal. ap. *Savile*, pp. 555, 573, and 578. *Pagi* ad *Bar.* 1176, § ii. p. 423. Letter of count Raymond of Toulouse to the general assembly of the Cistercian order, ap. *Vaissette*, Hist. de Languedoc, liv. xix. p. 46 et sqq.

the part of the French king, with Reginald bishop of Bath on that of Henry II., were deputed to effect the conversion of the heretics; and Raymond of Toulouse, the Vicomte of Turenne, Raymond of Chateau-Neuf, and other powerful barons, were charged to carry their sentences into execution. A single convert of rank was the only fruit of their labours, and the severity of his treatment was not calculated to encourage proselytes.[l] Under protection of a safe-conduct several gentlemen and prominent confessors of the Albigensians presented themselves to give an account of the faith that was in them. They brought with them a written confession, which, upon examination, was found perfectly orthodox. But the favourable impression was encountered by a charge of fraud and dissimulation, and the rehearsal of every imputation which had hitherto been lavished upon the various sects and subdivisions of heresy that had sprung up in the first fervour of spiritual emancipation.[m] Their denial of these errors might have been accepted, if it had been accompanied by any act or profession of submission to the established church, or acknowledgment of the authority of the Pope: but such a submission was resolutely repelled; nor could they be persuaded or intimidated into a confirmation of their creed upon their personal oaths.[n] Declining all further defence, they quitted the conference, and were solemnly condemned and excommunicated by the commissioners with all the accustomed ceremonies. The reception the inquisitors had met with from the populace of towns inspired

[l] It was obvious that personal fear was the cause of his conversion; and it was carefully provided that he should reap no temporal benefit from his recantation. He was condemned to a penance of three years in the Holy Land, a confiscation of his lands during that period, and a fine of 500 lbs. of silver to his lord, the count of Toulouse, for their restoration at the end of the term.

[m] The count of Toulouse charged them with holding and preaching the Manichæan dogma of the Two Principles, with decrying matrimony, denying the validity of infant baptism, and speaking blasphemy against God, the church, and the catholic faith. All this they denied; they had never held the doctrine of the Two Principles, they admitted the validity of baptism, and acknowledged that matrimony was lawful. Thus far no fault could be found.

[n] This scruple was interpreted as a mere subterfuge. But it was clearly the habit of the Albigenses, like our Quakers, to interpret the ordinance of Christ, "Swear not at all," in its literal sense.

them with intense resentment, and a firm conviction that no remedy but the sword of the flesh was available against the mass of iniquity they had encountered; and they retired to indemnify themselves for their disappointment, and to gratify their spleen, by heaping upon their late opponents every foul charge of religious corruption that could be found in the archives of the Gnostic and Manichæan delusions.[o]

Meeting of the eleventh general council of the Latins.

It must be admitted that here was cause enough for solicitude on the part of the Latin patriarch. Pope Alexander III. felt that the crisis was such as to call for a general expression of the opinions and counsels of his communion upon the difficulties and dangers to which it was exposed from corruption within and from rebellion without the pale.[p] The assembly was attended by three hundred bishops from all parts of Christendom, excepting the Greek church. The representation of the Latin communion was tolerably complete; though no mention is made of the Spanish peninsula, or the Scandinavian kingdoms. The council thus assembled is regarded as the *eleventh general council* by the Latins, and was opened and presided over by pope Alexander III. in person.[q] The resolutions passed were prepared and dictated by the curia under his orders, and little was left for the fathers to do but to signify their approval and affix their signatures. The voice of the assembled churches was, in fact, the simple echo of the pontifical programme. In it we see, as in a mirror, both the strength and the weakness of the Latin communion faithfully reflected. 1. The first point which

[o] Their reception had been extremely mortifying. At Toulouse they were assailed with shouts of derision; they were stigmatised as apostates, hypocrites, *heretics!* Henry, abbot of Clairvaux, plunges deeply into the current history of the errors of the Gnostic and Manichæan sects to find matters of charge against his opponents: he affirms that they held Satan to be the god and maker of this world, &c. &c. *Vaissette*, Hist. de Langued. ubi sup. p. 51. The absence of all novelty of invention seems to indicate the source from which the imputations in question were derived. It would be simply foolish to suppose that either Manichæism or Gnosticism had survived the centuries which had elapsed since they were last heard of in the world.

[p] *Baron.* an. 1178, p. 480.

[q] The sessions opened on the 5th of March 1179, and concluded on the 19th of the same month; a wonderfully short time for so great an amount of business! There does not appear to have been more than three sittings in all. *Art de Vér. &c.* tom. i. p. 192.

occupied the attention of the curia was the danger of schism arising out of the uncertainty of the law respecting papal elections. To remedy this evil it was thought sufficient to enact that for the future the successful candidate should combine two-thirds of the sacred college in his favour.[r] This rule was to be of so absolute a character as to preclude all dispute; for though it departed from the usual practice in the election of other prelates, yet in the case of the Roman church, than which there is no higher authority to appeal to, no such doubts should exist as may arise where an appeal may apply the remedy to an error of a mere majority. It has been held that this law in effect transferred an exclusive franchise in the election of a pope to the college of cardinals; consequently that it operated as a repeal of the statute of Nicolas II.,[s] and that it annulled not only the imperial participation, but also the privileges to which the clergy and people of Rome were theoretically entitled in the election of their bishop. Though this inference does not necessarily follow from the wording of the ordinance, we cannot but think that its practical operation was to set aside every kind of suffrage but that of the sacred college. In that rude state of legislation the absence in a new law of any reservation in favour of a right or privilege enjoyed under the old, might be naturally construed as a repeal. It remained for a riper age of civilisation to hold that express words are necessary to deprive individuals and bodies of men of any public franchise previously enjoyed.

Measures of the council. Election law.

2. All the ordinations of the preceding antipopes were declared void, and those who had derived dignities or benefices from that foul source were required to resign them on pain of extreme spiritual penalties; the schismatic bishops were ordered to abjure their schism, and to swear obedience to pope Alexander III. as the only true pope; to receive and

Reformatory ordinances.

[r] What would have been the fate of pope Innocent II. if this rule had been in operation when he was elected? Certainly more than two-thirds of the cardinals voted for his rival Anacletus.

[s] See *Art de Vér. &c.* ubi sup.; and conf. Book x. ch. i. p. 161 of this work.

entertain freely his legates on their several visitations, and to attend them dutifully when summoned. The fourth canon, however, puts a limit to the expenses to be contributed by the churches, not only on occasion of legatine visitations, but of those of bishops, archdeacons, and deans in their respective districts or circuits. The canon honestly expresses the regret of the Pope that "some of his brethren (the cardinals) and many of his bishops should have fallen so greatly to the charge of those subject to their supervision, as sometimes to compel them to sell the ornaments of their churches to defray the expenses incurred, *and to consume in an hour the means of support of years to come.*" An archbishop is therefore restricted for the expenses of his visitations to forty or fifty nummi (denarii or pence) by the day; a cardinal is not to demand more than twenty-five; bishops, twenty or thirty; archdeacons, five or seven; deans and their subordinates are to be entitled only to two horses and their forage. All classes of ecclesiastical officials are strictly prohibited from carrying about with them dogs or horses; they are commanded to be contented with ordinary fare, and to abstain from demanding sumptuous entertainments and banquets; they shall not oppress the inferior clergy by fees and extortions of any kind, though in cases of accidental pressure or difficulty they are not to be precluded from requesting moderate aids; but in no case to be at charge to the poorer communities. To prevent minor extortions, it was ordered that no fees were to be demanded for baptisms, marriages, burials, or any other sacrament of the church; none but usual and accustomed gratuities were to be received by bishops and abbots; and no part of the revenues of their inferiors on any pretext to be devoted to their own use.

Intent and object of the Pope in council.

It was the sincere desire of the Pope to make these and other regulations touching the government and discipline of the churches and the monastic orders the basis of a thorough reformation of the many abuses which had given colour to the complaints, and supplied an apology for

dissent and secession.[t] But it was still nearer his heart to establish the absolute exemption of his clergy from all the burdens and duties of secular life that could by any means be shaken off. He wished his church to be internally pure, that she might be externally powerful. But as it was manifest that the prospect of eradicating the vices that had crept in was at best remote and dim, he resolved at least to protect his church against their natural consequences. The decretals furnished him with abundant authority for exempting the priesthood from the ordinary reproaches of an evil life; and the struggle now turned upon the means to be adopted for discharging them from all their obligations as citizens and subjects of any kingdom but that of Rome. With that view, the great council of the Lateran decreed that *no pecuniary burden or tax of any kind should be imposed upon the clergy for any secular purpose.* The canon indignantly condemns the exactions so frequently levied upon the clergy by the lay government, to the great impoverishment of the bishops, and the serious disparagement of their authority and influence among their spiritual subjects.[u]

Decree of extermination against the Albigenses, &c.

The canons of the council against sanguinary tournaments, and the securities provided against infractions of the truce of God, might pass as simple expressions of religious zeal or pastoral solicitude,[v] if we could be sure that they were not intended to multiply opportunities for that impertinent interference with the course of the secular judicature for which the Gregorian theory of moral superintendence supplies such abundant encouragement.[w] But

[t] The canons contain some curious regulations touching the discipline of the inferior clergy; *e.g.* no clerk in orders shall appear as advocate before any secular court, except on behalf of poor persons who cannot afford the expense of their own defence. No clerk shall accept the office of advocate (protector) of cities or communes, nor take upon him the duties of secular judge under any prince, noble, or worldly potentate. Clerks shall not be allowed to bequeath by will any part of their accumulations; for what came from the church ought to go back to the church.

[u] But occasional aids, where the community may be too poor to defray extraordinary expenses, were not objected to. See can. xix.

[v] See can. xx. and xxi.

[w] Conf. Book x. c. vi. pp. 305 and 306 of this work.

attention was averted from these symptoms of stealthy encroachment by the trumpet-sound of the summons to unsheathe the sword of the flesh against the enemies of God and his church, which closes the proceedings of the council.[x] "Though," it is laid down, "the church abstains from passing capital sentences, yet *she must always be supported by the laws and institutions of catholic princes and states;* for men are often induced to return to her bosom when they find capital punishment suspended over them: and whereas, under various names, sundry damnable perversities flourish in the districts of Gascony, Albi, Toulouse, and many other places, we have decreed against such as these the penalty of anathema; we hereby forbid all men, under the like penalty, to harbour or entertain them in their houses, or to have any kind of dealing with them; and if they die in their sin, they shall not have Christian burial: the like is hereby ordained as to those bands of robbers and assassins known by the names of Brabançons, Aragonians, and others who wander abroad pillaging churches and monasteries, and slaying without discrimination of age or sex: with these, and such as these, neither faith nor duty shall henceforth be observed: against these various malefactors we enjoin all Christian people to take up arms; let their goods be confiscated; let Christian princes reduce them to slavery; and let no one who shall die in the performance of this duty doubt that he shall have forgiveness of his sins and enjoy his eternal reward: and now we, by the authority of St. Peter and St. Paul, do grant a remission of two years of enjoined penance to all the faithful *who shall take up arms against them*, or shall, under due authority, *go forth to battle against them;* with a prolonged indulgence if detained for any length of time by the holy warfare: they that shall neglect the summons of their bishops to that effect shall be excluded from the body and blood of Christ; they that shall obey, and faithfully *go forth to destroy these miscreants*, shall have *the like protection as they who visit the Holy Sepulchre;* they shall enjoy perfect

[x] See can. xxvii.

exemption from all disturbance both in property and person: if any man molest them, let him be excommunicated: and if any bishop or priest shall neglect to put forth all his strength to resist and subdue these caitiffs, let him be suspended from his office till he shall have obtained the mercy of the Holy See."

Character of the decree against the heretics.

The truculent bluster of this ordinance betrays the trembling apprehensions of the Latin priesthood. The movement was becoming general; the danger imminent; pride and fear—the parents of cruelty—were working in the hearts of the agitated hierarchs. There is an atrocious cunning in the studied identification of the peaceful religionists of Languedoc with those bands of marauders and robbers which the rude police of the age was unable to suppress. But this was but the natural inference from that still more inhuman doctrine that, as heresy includes every crime in the catalogue of human depravity, no injustice was done; nor could any better way be devised to stimulate the popular hatred against the real objects of the persecution. It is hardly possible to doubt that the pontiff would gladly have abandoned the task of reducing and punishing the bands of marauders in question to the secular executive, if it had not suited his purpose to enlist every wicked passion in human nature in his service, by associating them in the same category with the detested heretics for whose blood he was athirst. The thick darkness which shrouded the moral and religious vision of the age alone affords some palliation for this marvellous effusion of cunning, cruelty, and hypocrisy. A war of extermination against the unfortunate dissenters of the south of France was declared. The principle of persecution, feebly shadowed forth by Bernard of Clairvaux and his more zealous associate, was erected into an article of faith by the general and solemn concurrence of the Latin priesthood; and no alternative was left to the miserable multitude, but to die in the field or at the stake. With heroic fortitude they chose indifferently both paths to martyrdom, and left their fate a beacon and a warning to all who might

thereafter take to heart the cause of religious and moral reformation in the world. But the end was not yet; and it will, fortunately, be no task of ours to follow up the history of this scene of murder, perfidy, and treachery—perpetrated in the name of the God of mercy and truth—to its direful conclusion. We indicate here only the elements of strife and blood, which were but the logical consequences of the scheme of church government adopted by the Latin priesthood; and which, though inherent in every exclusive religious system, was never before so carefully and ingeniously elaborated.

Pause in the narrative.

The memorable council of the year 1179 well-nigh closes the career of pope Alexander III.; for though he lived rather more than two years after the dissolution of the synod, yet we may avail ourselves of the pause to recur to some important incidents illustrative of the policy of this distinguished prince in the more distant regions of his spiritual realm.[y]

[y] All the records and writings that can throw any light upon the proceeding of the eleventh general council of the Latin church are collected in *Harduin*, Conc. tom. vi. pp. ii., 1671 to 1694; and in the annals of *Baronius*, an. 1179. These are the most accessible authorities, so as to dispense with numberless references not so easily procurable. They have all been, however, before the writer.

CHAPTER VII.

EXTERNAL POLICY OF ALEXANDER III.; SCANDINAVIA; ENGLAND.

Foreign policy of the Holy See—Foundation of the missionary church of Hamburg—Gradual conversion of the Scandinavian heathen—Progress of Christianity in Denmark, Norway, and Sweden—Triumph of Christianity in Scandinavia—Submission of the Scandinavian churches to Rome—State of the northern churches, and reforms of pope Alexander III.—Expansion of the Latin scheme—its scope and objects at this period—Original powers of the crown in ecclesiastical affairs in the English church—Powers of the Anglo-Saxon kings—Introduction of canon or decretal law—Earlier conflicts between canon law and the common law of the land—Henry I. and archbishop Anselm—End of the contest—The legatine commission in England—The "law and custom of England" in ecclesiastical concerns—Encroachments of Rome on the "law and custom of the realm"—The *Constitutions of Clarendon*—Nature and origin of the statute—Character and designs of Becket—Privileges and profligacies of the English clergy—Becket and the "salvo &c."—Domestic position of Henry II. prior to the enactments of Clarendon—Articles of the Constitutions—Becket subscribes the Constitutions; his remorse and absolution—Policy of Alexander III.—Persecution of Becket by Henry II.—Heroism of Becket—Parliament of Northampton; the king's ultimatum—Becket's reply to the ultimatum—his protest against the judgment of the court—Escape of Becket, and his reception in France—Vindictive proceedings of Henry II. against the archbishop—Becket's address to pope Alexander III.—his reception by the Pope—Henry II. threatens the Pope with secession—Becket in France; tone and character of his correspondence—he excommunicates the king's ministers—his view of ecclesiastical privilege—Henry II. declares his prerogative, and his resolution to uphold the laws and customs of the country—Becket, as legate, renews his excommunications—he endeavours to persuade the Pope to excommunicate Henry II.—Temperate remonstrance of the bishops to Becket—Intemperate rebuke of the primate to the bishops of England—Self-exculpation of Alexander III.; his policy—Becket disputes the competency of the papal legates—Arts resorted to to thwart the pacification—Becket's guiding principle—Contrasted management of Alexander III.—Failure of the Pope's attempt at pacification—Failure of the attempt of the king of France to reconcile Henry II. with Becket—The legation of Gratian and Vivian; its failure—Vivian alone attempts to resume the negotiation—Alexander III. contemplates more rigorous methods—Efforts of the Pope to procure the restoration of Becket—The Pope takes the management of the controversy into his own hands—Terms of reconciliation agreed upon between the Pope and the King—Mutual dispositions of Becket and the King—Interview between the King and the archbishop—Disposition of the parties—Becket's prospects and designs—he returns to England—Insane

anger of Henry II., and murder of Becket—Henry's exculpation to the Pope—Henry II. submits to the Pope—Triumph of the papacy; abrogation of the statutes of Clarendon and Northampton.

Foreign policy of the Holy See.

In this chapter some account must be rendered of the *foreign* policy of the Holy See, with special reference to the reign of pope Alexander III. The connexion of the papacy with the powers of Italy, Germany, and France was of so intimate a character as to defy separate treatment, except at the risk of much repetition and some chronological confusion.[a] On the other hand, the intercourse of the papacy with the remoter churches of Northern Europe forms a natural episode in the history of the expansion of the pontifical power. The establishment of Roman Christianity in the Scandinavian kingdoms presents, at first sight, few points of contact with the subject of our narrative. And although the political history of the English churches has a more immediate interest, yet the connexion is not of so intimate a nature as totally to divest it of its episodic character. Both subjects must, however, be treated with brevity, because, if fully expanded, each would amply fill a separate volume.

Foundation of the missionary church of Hamburg.

The history of the conversion of the Scandinavian nations to Christianity bears strong testimony to the zeal and activity of the Latin missionaries. The single desire to extend the kingdom of the Redeemer, unmixed with any of those impurer motives which rarely fail to pollute the spirit of a dominative priesthood, was the sole impulse which guided their efforts. About the year 827 the Frankish missionary priest Ansgar, by favour of the emperor Louis the Pious, and under the protection of the Saxon lords of the Northern Marches of Germany, founded a town or vill called Hammaburg, near the outflow of the river

[a] However various the subjects of a narrative, the historian ought not to depart from the *order of time* wherever the connexion of events is such as to be clearly traceable to a common source, and *a concurrent action and progress* is observable. The affairs of the Scandinavian and British churches, though originating in Latinism, have not such a concurrent action and progress as to bring them readily into the chronological series.

Elbe into the Northern Ocean, on the spot where now the great emporium of the commerce of Germany forms a principal link in the vast chain of European industry and civilisation. Under the patronage of the pious Emperor, and in virtue of a constitution of pope Gregory IV., Hamburg was erected into a metropolitan see, with a missionary commission for the conversion of the Sclavic and Scandinavian nations dwelling along the banks of the Elbe, and northward as far as the icy regions of Finmark and Lapland. Ansgar was the first bishop.[b] For many years he and his devoted associates continued to preach the Gospel, as they understood it, to the Danes of Schleswig and Jutland with admirable perseverance and heroism. Their successes here emboldened them to invade the remoter regions of Gothland and Sweden proper. The results of their labours, though ephemeral, were encouraging enough to procure for Ansgar an extension of his powers from Rome; and in the year 834 the Pope appointed him apostolic legate for all the Danish, Swedish, and Sclavic nations dwelling northward of the Elbe.[c]

Though decorated with sounding titles, and rich in ecclesiastical honours, no outward show or state distinguished the new prelate and his humble followers from the primitive wayfaring preachers of the Gospel. The conversions were indeed numerous, but the impressions superficial, and wholly insufficient to produce a taming effect upon the wild swarms which now annually visited and ravaged the western and southern shores of Europe. In the year 845 Hamburg was taken and destroyed by the heathen Danes; Ansgar and the few converts whom he had gathered around him were expelled and dispersed, and the lately-erected episcopate was reunited with that of Bremen.[d] But this

Gradual conversion of the Scandinavian heathen.

[b] *Adam.* Brem. Gest. Hammab. Pontiff., *Pertz*, Mon. &c. vii. p. 292.

[c] *Adam* of Bremen ascribes the appointment to pope Nicolas I., who did not ascend the pontifical throne till the year 858. See *Pertz*, vii. p. 296. *Dahlmann* (Gesch. v. Schweden, vol. i. p. 41) places the papal appointments to the see and the legatine commission in the same year.

[d] The see and province of Hamburg had been severed by Louis the Pious from that of Bremen, to which latter see the whole of Europe north of the Elbe was originally assigned as its ecclesiastical province. See *Adam.* Brem. c. 41, 42, ubi sup. p. 299.

severe calamity did not quench the spirit of the mission, nor produce any interruption of effort for the conversion of the ferocious barbarians of the north. After the death of Ansgar, five successive bishops, Rimbert, Aldegar, Hoger, Unni, and Adalgagus, continued personally, and with the aid of numerous and devoted companions, to brave labour, danger, and death in the apparently desperate hope of reclaiming a race whose only fortune was the plunder of their neighbours, and whose only glory lay in war and bloodshed. Many times the seed sown appeared to have died down; the missionaries and their converts were driven away or put to death, and the light of the Gospel became to outward observation all but extinct.[e] Still, the indefatigable missionaries laboured on in the stony soil given them to cultivate. Now and then a wild chieftain consented to be baptised; formal conversions became more numerous. Archbishop Unni succeeded in penetrating to that far distant spot, where now the primate of the Swedish church presides over a reformed national hierarchy. At a later period the military successes of the German king Henry the Fowler, and after him the still more striking glories of Otto the Great, opened the hearts of the piratical Danes, by the only argument of which their obdurate spirits were susceptible. The expansion of the Christian profession was favoured, partly by the growing conviction that the gods of Scandinavia had forsaken their ancient sanctuary, and partly by their frequent intercourse—however hostile and destructive—with the more civilised Christian nations of the south. By degrees, and one by one, Danish, Swedish, and Norwegian chieftains submitted to baptism; and before the expiration of the tenth century all but the remoter tribes of Sweden and the islands of the Baltic had professed the religion of Christ with more or less steadfastness and sincerity.[f]

Within this period several bishoprics, under the provincial jurisdiction of Hamburg, had been founded

[e] *Ad.* Brem. ubi sup. c. 57-59, p. 304.

[f] The reader is referred generally for all the details to *Adam* of Bremen, lib. i. ap. *Pertz*, vii. pp. 267-305. *Dahlmann*, Gesch. v. Dännemark, vol. i. p. 41 et sqq. may be consulted.

in Southern Denmark and Jutland. Still the conflict with heathenism was undecided. Harold, the king of this portion of the Danish region, had accepted baptism (A.D. 986); but his son Swein, and the ferocious Eric of Sweden, almost succeeded in extirpating the Christians and their pastors. But even this savage was at last brought under the influence of the preachers; a consummation solely to be ascribed to ill success in his expeditions of pillage and murder against the northern regions of Germany. About the same time Olaf, king of Norway, introduced Christianity into his dominions by the process most familiar to the fierce Northmen,—example and coercion. Within the same period the south-western portion of the modern kingdom of Sweden, then as now distinguished by the name of Gothland, had adopted the new faith, though not without large exceptions. On the other hand, the Swedes, or inhabitants of Suecia proper,[g] adhered pertinaciously to their ancient religion, with all its inhuman and bloody rites.[h] But from time to time Christian teachers had visited the heathen Swedes. These were partly Danes, sent forth from the schools of Hamburg and Bremen, and partly English or Saxon missionaries. Siegfried, a zealous preacher of the Gospel, worthy to be accounted, after Ansgar, the second apostle of the north, had been summoned from the latter country by king Olaf of Sweden, about the year 1000. Here he lived and taught throughout the remainder of a long life. By compact between this Olaf with Swein king of Denmark, —the scourge of the Saxon kingdom of England,— Christianity became the favoured religion both in Denmark and in Sweden.[i] More cannot be said for the progress of the faith in the northern portions of the

Progress of Christianity in Denmark, Norway, and Sweden.

[g] As distinguished from 'Gothia.'

[h] In the neighbourhood of the city of Upsala there was a grove and temple dedicated to the Scandinavian Triad, Thor, Woden, and Fricca: the place was of the highest sanctity; every nine years all the tribes of Sweden proper —kings, princes, and people—flocked thither with their offerings; nine of the first-born of every living creature were sacrificed to the idols, and their bleeding limbs hung up to rot on the trees of the grove. See a lively description of this sanctuary, in *Adam* of Bremen, lib. iv. c. 26, ap. *Pertz*, vii. p. 379. Conf. *Geijer*, Gesch. v. Schwed. i. p. 123.

[i] *Adam.* Brem. lib. ii. c. 37, ubi sup. p. 319.

kingdom, where heathen rites and sacrifices were practised—especially at Upsala—long after the conversion of their kings. It may even be questioned whether these princes had gone much beyond the outward profession of the faith of Christ.[j] After the ancient dynasty of the kings of Sweden—sometimes designated as the race of Upsala—had become extinct, Stenkil, a zealous Christian, was chosen to succeed the last king, Anund. His election is the earliest indication of the decisive preponderance of the Christian party in Sweden. But the new king was still bound by a compact entered into by Olaf with his subjects, in virtue of which the heathens within the north-eastern provinces of Suecia or Sweden proper were warranted against interference with the old religion, and protected from the inroads of the new faith. In opposition to this law, the Christian clergy loudly raised their voices; they called upon the new king to overthrow the idol temples, and to permit the introduction of Christian teachers into the protected provinces. But Stenkil kept faith with his northern subjects; and was rewarded by a long and, upon the whole, a peaceful reign.[k]

Triumph of Christianity in Scandinavia.

The death of Stenkil was the signal for a general dissolution of the federative union of the two divisions of the kingdom, which rested upon a practical legislative isolation of the two religions. A long and sanguinary struggle tried the strength of the parties to the utmost. About the year 1100 Christianity was in the ascendant under the devout king Ingë. The old religion held its ground till about the middle of the twelfth century; but some time previously several monasteries had sprung up in Sweden, and the ecclesiastical organisation had prospered in a degree to draw upon it the special attention of the court of Rome. A cardinal-legate—afterwards pope Hadrian IV.—visited the churches of Denmark and Sweden (A.D. 1152). The levy of Peter's-pence was

[j] Conf. *Geijer*, vol. i. c. 3, passim. A series of twelve kings had reigned in Upsala, who were still believed to have sprung from the gods. See *Geijer*, ubi sup. p. 129.

[k] According to *Geijer*, he died about the year 1066. Gesch. v. Schweden, i. p. 131.

introduced, and the universal practice of carrying arms was prohibited. Before the expiration of the preceding century the Norwegians had accepted an archbishop from Rome. The Danish kingdom had a metropolitan bishop in Lund ever since the year 1103. The determined resistance of the idolatrous Swedes had hitherto prevented the completion of the ecclesiastical establishment in their country; but the Christian missionaries had all this while silently encroached upon the heathen districts; gradually heathen rites were discontinued, or wholly abolished; Christian churches arose where once men and animals were sacrificed to Woden and Thor and Fricca; Christian festivals, accompanied by many of the same observances as those of the heathen, were introduced; and when at length the ancient stronghold of idolatry, the ruling province of Upsala, renounced the profession and practice of the old religion, a Christian king was seated on the throne of the united kingdoms of Suecia and East and West Gothland; and the triumph of the religion of Christ was accomplished after a struggle with the powers of darkness of more than three centuries,[l]—a period marked in history by slaughter, devastation, and ruin, the like of which had not been seen since the beginning of time.[m]

Submission of the Scandinavian churches to Rome.

From the commencement to the close of the great conflict with heathenism, Rome had been the source from which the Scandinavian missions had derived their inspirations and their powers. From the consecration of Ansgar to that of Eskil, the metropolitans had received their pallia, and the bishops their confirmation,[n] from the Roman pontiff. But the militant state of Latinism in these distant and savage realms had hitherto impeded the supervision of Rome. Till the times of Hadrian IV. no legate *a latere*

[l] Reckoned from the mission of Anskar in the year 832.

[m] This short summary of the successes of the Scandinavian missions has been collected partly from *Adam* of Bremen's History of the Church of Hamburg, and partly from *Geijer's* able History of Sweden, in *Heeren and Ukert's* collection of 'Histories of the European States,' translated from the Swedish Ms. of the author. Most of the authorities quoted by Geijer were inaccessible to the writer of these pages.

[n] *Adam* of Bremen carefully notes this mark of dutiful observance on the part of the archbishops of Hamburg and Bremen.

had visited the kingdoms of the north. It was not till the reign of Erich, the first Christian king of the united Goths and Swedes, that the governing influence of the papacy began to be felt. King Karl Swerkerson drew the two races more closely together. A metropolitan see was established at Upsala on the site of the ancient heathen sanctuary; papal letters and rescripts began to circulate among the episcopal sees of the Scandinavians, for the remedy of numerous abuses which had crept in during the lawless period of the struggle. Laymen had, it appears, been in the habit of appointing and inducting priests without authority of the bishops: thus, it is alleged, vagrant monks, homicides, and common malefactors had been introduced into the churches; that kings and laity appropriated the revenues of the sees during vacancy; and that they broke into the sacred buildings and carried away the ornaments and vessels of the altars; that they *dragged the clergy before the temporal tribunals*, and subjected them to the ordinary modes of trial by battle, or the customary ordeals of the red-hot iron and boiling water; and that if they refused to appear, their houses were burnt and their property destroyed.

State of the northern churches, and reforms of pope Alexander III.

In addition to these ecclesiastical grievances, there were others connected with morals and discipline which loudly demanded reformation and redress. Ritual irregularities, such as the use of improper elements in the administration of the eucharist; moral enormities, such as infanticide, the looseness or abuse of the marriage vow, incest, unnatural crime, &c., fell under the scrutinising eyes of popes Hadrian and Alexander. Between the years 1164 and 1181 the latter Pope addressed upwards of twenty pontifical letters to the Scandinavian prelates, specially intended to encourage and regulate the monastic bodies, to give security to their property, and to stimulate their zeal in the service of the Holy See.[o] In the year 1166 he raised Eskil, archbishop of Lund, to the dignity of

[o] See the letters in *Jaffé's* abstract numbered 7549, 7783, 7784, 7841, 8419, 9279.

legate-apostolic of the Holy See for the Swedish, Danish, and Norwegian kingdoms,[p] and commanded all ecclesiastical authorities to submit to him in that character. The archbishop of Upsala was directed to give his attention to the reformation of all the anomalies and abuses which had prevailed in the public worship of his churches; to put down irregular and uncanonical marriages, described by the Latin canonists under the names of concubinage and incest.[q] The prelacy of Sweden received the most emphatic injunctions to refuse investiture by the lay hand, and to forbid their clergy to accept their benefices and endowments on the like condition. In the same brief pope Alexander III. absolutely prohibited the clergy to appear before, or submit to, the lay judicatures,[r] and threatened the severest penalties against any power, lay or ecclesiastical, that should presume to drag a priest before a temporal court. A later letter[s] commands "king Knut of Sweden, the prelates, dukes, the clergy, and people of the Goths,"[t] to observe the canonical laws of marriage; to give all due honour and liberty to the priesthood; to pay their tithes with regularity; yet not to permit their zeal to outrun discretion by a liberality to the churches which might amount to the total disinherison of their natural heirs.[u] The pontiff was a zealous supporter of Christian missions to the heathen of Finland, Esthonia, and Livonia. Neither was he particular as to the mode of the warfare against these misbelievers: spiritual and temporal weapons might be indifferently employed to bring back apostates to the fold, or to divert the obdurate from the error of their ways;[v] and to those who should engage in the meritorious warfare he pro-

[p] Epistle numbered as above, no. 7549, p. 710.

[q] Ubi sup., ep. numbered 8142, p. 749.

[r] Ubi sup., ep. numbered 8146.

[s] Dated July 6, 1180, ubi sup. numbered 8767, p. 789.

[t] A designation by which the Swedes were generally known in the twelfth century, and even long afterwards.

[u] This epistle notices a singular superstition among the Swedes. It seems that if a man was killed in a state of ebriety, he was honoured as a saint. This was a remnant of the heathen practice in their orgies, in which it often happened that blood was shed. The honours bestowed upon the victims of these affrays were probably an anticipatory celebration of the herocombats of Walhalla.

[v] See epistles numbered 8143 and 8147, ubi sup. p. 749.

mised forgiveness of their sins, and the like spiritual advantages as to those who should visit the sepulchre of the Lord. But in consideration of the great distances the prelates and others would have to traverse, the Pope graciously relaxed the penances for non-attendance upon the court of Rome, or neglecting their duty-visits to the holy places; on the special ground that "they had *surrendered themselves unreservedly as tributaries to the Holy See.*"[w]

Expansion of the Latin scheme.

By the incorporation of the northern kingdoms into the vast realm of papism the cordon of pontifical outposts in that direction was completed. The mixed Sclavic and Magyaric population of Hungary; the Sclavic, Sorabic, Lutitzian, Wendish, and Obotritic inhabitants of Poland, Bohemia, Lusatia, the Upper Saxon Marches, Pomerania, and Prussia, had, for the most part, accepted the spiritual yoke of Rome.[x] In the reign of Alexander III. the dominion of Latin Christianity had reached its utmost extension. It is true that no precise outer geographical boundary could be assigned: it would have been, in fact, inconsistent with the spirit of the papacy that such a boundary should at any time be distinguishable; certainly none such would have ever been acknowledged at Rome. All that was now wanting was organisation and superintendence; and in these respects the Latin fathers had never been deficient; nor ever less so than in the active and vigilant pontificate of Alexander III.

Its scope and objects at this period.

Looking at the great Latin scheme as at this point of time it stood before the world in all the outward majesty of secular ambition, we distinguish, above every minor object, a settled determination to reduce all political or state-law under the yoke of canonism as elaborated by the pontifical scribes. That purpose was, in fact, an obvious logical deduction from the

[w] See letter numbered 9370, ubi sup. p. 826. This epistle is dated from Viterbo, the 26th July 1181; consequently only a week or two before his death.

[x] Not yet, however, without frequent outbursts of regret for the loss of those barbarous rites, which the oppressions of their Christian neighbours taught them to connect with their ancient independence.

accepted principle of a priesthood intrusted with a boundless moral censorship; a power to impound the public conscience; to master the prime motives, and to direct the whole course of human action. But the outer world saw little or nothing of all this. It was a world of impulses and passions, not of reason or research. With all its insolent candour the Roman system was still shrouded in a blood-red halo of superstitious reverence, which scared away thought, or quenched it in the fear of death temporal and eternal. The remedy—if there was to be a remedy—lay not in resistance, but in evasion. It might be possible, when the yoke was found too galling, to slip round, though it might be impossible to drive through, the new law, until time and the progress of research should sap the foundation of sand upon which it reposed. Meanwhile it stood as firmly as if it really rested upon the rock of ages; for no hostile foot ventured to approach near enough to examine the ground; or, if it did, ever found its way back into the land of the living. Abelard, Clement, Peter de Bruys, Henri, Arnold of Brescia, and others, had intruded upon the mysterious precinct, and had their reward in martyrdom, or in ignominious submission and final obscurity.

The steps to which the attention of the papacy at this stage of its outer life was directed were simple and practical. The *first* was, *the emancipation of the possessions of the clergy from all secular control;* and the *second, the removal of their persons beyond the reach of state-law.* They were to enjoy perpetual immunity from every external pressure that might interfere with the uncontrolled action of the chief upon every branch and offset of the great ecclesiastical state, so as to shape the whole into one mighty instrument of attack and defence against the powers of the world. This had been, as we have seen, a principal purpose of Alexander III. in the education of the Scandinavian churches. It was to be implanted in their infant minds, so as to grow with their growth, and to bear the fruit of a patient and submissive spirit, "to the honour and glory of the Holy See." We have now to trace, with the utmost brevity, the progress

of these cardinal principles of Latinism in England since its introduction in the sixth and seventh centuries.

Original powers of the crown in ecclesiastical affairs in the English church.

We shall hardly be charged with error in adopting a distinction relied upon by one of the most celebrated divines of the Roman church.[y] Bellarmine adopts a twofold division of the ecclesiastical powers, which he designates as the "potestas ordinis" and the "potestas jurisdictionis;" the *first* including the powers requisite to determine the doctrine and administer the sacraments of the church; the *second*, comprising two distinct powers, namely, *first*, that of preaching and instruction, which he calls the *internal* jurisdiction, and, *secondly*, the right to execute or enforce the ordinances of the church, to watch over the performance of their duties by the clergy, and to defend the ecclesiastical system from all harm, both from within and without; and this he calls the power of *external* jurisdiction. This last power is a matter external to all that is material to the constitution of a church; it belongs entirely to that outward political authority, by which the internal and essential character of the church, its spiritual attributes and powers, are preserved; it watches over the purity of doctrine, restrains those who violate ecclesiastical law, checks encroachments upon the law of the land, and takes care that officials of all orders neither fall short of nor transgress the limits of the duty assigned to them.[z]

Powers of the Anglo-Saxon kings.

The kings of England, from the earliest period, regarded themselves as having the fullest powers to exercise this latter jurisdiction. King Edgar (A.D. 966) told his clergy that "*they* wielded the sword of Peter, *he* the sword of Constan-

[y] *Card. Bellarmine*, in his work De Pont. Rom. lib. iv. c. 22. The writer of these pages thinks himself justified in borrowing some of the ensuing remarks from a little work published by him in the year 1851, entitled "Position and Prospects of the Protestant Churches in England and Ireland," &c., and in quoting the authorities there relied upon at the foot of his page in this work. These authorities were at the time strictly examined and verified.

[z] This was the doctrine of the Gallican church. See *Claude Fauchet*, Libertés de l'Eglise Gallicane, Par. 1612, p. 234, and ed. 1630, p. 179; and conf. *Charles le Faye*, ed. 1649, p. 230.

tine;" and declared himself, "within his kingdom, to be the Lord's husbandman, the pastor of pastors, the representative of Christ upon earth."[a] The laws of our Saxon princes are very numerous; they are indifferently called "leges" and "canones," and were all enacted by the king, with the advice and assistance of his bishops and clergy. In all cases the first motion appears to have proceeded from him; and from him they derived their legal character and effect. Under this view, it was the right of the king to hold the officers of the church to the performance of their duties; to remove and punish abuses of all kinds without any other ecclesiastical authorisation than was implied in his royal dignity. In the same power was also included the right to nominate bishops, to call national councils, and to preside over them in person.

But the publication and adoption of the Isidorian Decretals changed the order and distribution of the ecclesiastical powers. Every function of church-management became vested in the clergy, or, which was the same thing, in the pope of Rome as their supreme head. The authority of the state in all matters even remotely connected with the life and conversation, temporal or spiritual, of churchmen, was vehemently denounced and repelled: their possessions were pronounced sacred and inalienable; their duties subject to no censorship but that of their official superiors; their persons exempt from secular jurisdiction or punishment; all interference on the part of prince or secular person in the appointment of bishops, priests, or spiritual incumbents was declared to be of the nature of simony. Although these principles of church-legislation had been in few instances fully developed in practice, they had been received without contradiction, and partially adopted by the clergy of France, Italy, and Germany. In Normandy a complete separation of the secular and ecclesiastical jurisdiction had already taken place. In England, however, as yet the only canons known to clergy

Introduction of canon or decretal law.

[a] *Wilkins*, Concil. tom. i. p. 242, col. i.: "Agens, Christo favente, interr is quod ipse juste egit in cœlis."

or laity were those enacted by the national church herself, with the assent and concurrence of the sovereign. The bishop's court was not distinguished from the court of the hundred, over which his spiritual authority extended, and in which causes civil and ecclesiastical were indiscriminately decided.[b] The law-christian and the law of the land were administered by the same officers. The Conquest, indeed, divided the secular from the spiritual courts, but without alteration in the law and custom of the land as it affected clergy and laity alike; the rights of the crown and the liabilities of the clergy underwent no outward change; the prerogative of the Norman kings stood upon the same ground of public law as that of their Saxon predecessors. But many Norman bishops and clerks had followed duke William into England, and an opportunity was afforded by the severance of the two jurisdictions, to effect a severance of the law to which each class should be subject. The exertions of the romanising bishops of England subsequent to the Conquest were steadily directed to the introduction of the more important articles of the Isidorian code; more especially to the emancipation of church property and endowments from its dependence upon crown or secular ordinance, and of the persons and causes of clerks from the interference of the king's judges. In the contemplated separation of church and state no rivalry was imagined, because the supremacy of the former was dogmatically assumed; no room was to be left for controversy, and consequently no excuse for resistance.

Earlier conflicts between the canon and the common law.

But the earlier ordinances of William the Conqueror for the separation of the ecclesiastical from the lay tribunals were never carried out to the extent of exempting churchmen from responsibility to the law. In the reign of Stephen, however, a successful attempt was made to withdraw a clerk charged with murder from the cognisance of the lay judge;[c] but the ecclesiastical jurisdiction—in criminal

[b] *Twysden*, Historical Vindication, &c. p. 99. Leges Hen. I. c. 7.

[c] The case of Symphorion, a clerk in the cathedral at York, charged with the murder of archbishop William by poison, in the year 1154.

cases at least—was never admitted by the king's courts. No principle of law was more persistently maintained than that, when a question arose to which of the two judicatures a cause belonged, the decision always rested with the king's judges.[d] William himself, we are well assured, never intended to surrender this important branch of the royal prerogative. Eadmer says of him, that "all affairs, ecclesiastical as well as secular, were made dependent on his pleasure."[e] It is true that both the Conqueror and his successors, down to John, endeavoured to steer a middle course between canonism and prerogative. In their solicitude to stand well with the court of Rome, they often took steps which endangered the safety, but certainly never shifted the ancient basis, of the law of the land, or the rights of the crown. In the bitter quarrel between archbishop Anselm of Canterbury and Henry I., the latter stoutly maintained his right to determine which of two rival pretenders to the papacy the clergy of his dominions should recognise.[f] And when Anselm, without the king's consent, insisted upon transferring his spiritual allegiance to Urban II. in preference to his rival Clement III., Henry bluntly informed him that "he knew of no law or custom which entitled a subject, without his (the king's) license, to set up a pope of his own over the kingdom of England; and that any man who should presume to take out of his hands the decision of that question would have as good a right to take the crown from his head." The archbishop still insisted, and was told that the act would be regarded as a breach of his allegiance, and that it would be vain to attempt to reconcile his duty to the king with subserviency to a pope not of the king's choice.[g] The archbishop, however, persisted, and quitted the kingdom on his road to Rome. The temporalities of his see were, in

Henry I. and archbishop Anselm.

[d] *Bracton*, lib. v. c. 15, § 3. "Judex ecclesiasticus cum prohibitionem a rege susceperit, supersedere debet in omni casu; saltem donec constiterit in curiâ regis ad quem pertineat jurisdictio."

[e] *Eadmer*, ed. 1623, p. 6, 21. "Cuncta divina simul et humana ejus nutum expectabat."

[f] *Eadmer*, p. 25.

[g] "Nequaquam fidem quam regi debebat, simul et apostolicæ sedis obedientiam contra ejus (regis) voluntatem servare." *Eadmer*, ubi sup. Anselm himself, in his address to the synod of Ilingham (near Shaftesbury), reports the expressions of the king even more strongly.

conformity with the law and custom of the realm, seized into the king's hands.

End of the contest.

The struggle between Henry I. and Anselm was long and obstinate. In the sequel it came to turn upon the great question of investitures. The kings of England, like their continental neighbours, had adopted the customary mode of investiture by the delivery of the ring and crozier. The resistance to this prerogative by the court of Rome must be by this time familiar to the readers of these pages. It is, however, singular that it should have been brought to a close in England thirteen or fourteen years before its termination in Germany, and by a compact of a very similar character. Anselm had refused to accept investiture in the accustomed form, and had resolved upon its abolition in England consistently with the Gregorian principle. But pope Pascal II., little in accordance with his policy in other quarters, consented at length to a compromise, which permitted the archbishop to consent to the disparaging ceremony of homage for the temporalities of his see, and an oath of fidelity to the king. The only change effected in the ecclesiastical practice in England was the substitution of simple personal homage and fealty for the earlier form of investiture.[h] The temporalities remained at the disposal of the crown, and with it effectively the power of appointment to the sees of the kingdom.

The legatine commission in England.

While the contest between Henry I. and Anselm was still undecided, a papal officer appeared on the coast announcing himself as legate *a latere* of the court of Rome, intrusted with a *legatine power over all England from the Pope*. But king Henry held it to be a special prerogative of his crown to accept or reject at pleasure such interferences with the ordinary course of ecclesiastical government by a foreign prince; and the legate was sent away, without having been admitted to the presence of the king.

[h] The Pope's consent was given with a very bad grace. He permitted Anselm and the prelacy of England to do homage, but only "donec per omnipotentis Domini gratiam ad hoc omittendum cor regium molliatur."

About fifteen years afterwards, the same Pope made a second attempt to introduce a legate-extraordinary into the kingdom, but with no better success. The interposition of a foreign jurisdiction superseding the ordinary powers of the church was equally unpopular both among clergy and laity. This legate, like his predecessor, was not suffered to land. But in all this there was no intention to break with the court of Rome. In the year 1119, pope Calixtus II., as we have noticed heretofore,[i] had convoked a great council at Rheims. King Henry I. permitted his bishops to attend the council, but with an express prohibition to carry their causes, either original or in the shape of appeal, before the Pope. "Go," he said, "salute the Pope in my name; but beware how he or you attempt to bring back with you any new customs into my kingdom." The principle of this king's government was in fact that commands from Rome were of no force in England unless they came with the stamp of the royal approbation and consent.

A third attempt of the same pontiff was equally unsuccessful. It was indeed, by this time, pretty well understood that the law and custom of England repudiated the legatine commission, as an illegal interference with the ordinary course of church government, which the common law had placed under the superintendence of the sovereign.[j] That the popes should, in the preceding, as they did in the succeeding ages, hold language implying that the rights exercised by the kings of England in the government of the church were so exercised by virtue of grants or concessions from themselves, cannot alter the fact that they were claimed by the sovereign, and admitted by the nation *in virtue of the law and custom of the realm;* an authority excluding all claim of superiority or equality proceeding from any external power. The weight of

The "law and custom of England" in ecclesiastical concerns.

[i] Book xi. c. vii. p. 656 et sqq.

[j] The writers of the age, in alluding to the acts of the crown in ecclesiastical matters, sometimes describe them as "collata," "impetrata," "permissa," which may be thought to imply a delegated power from the Holy See for what they did; yet they as often describe acts of authority done by the king as "antiquæ consuetudines," "libertates regni," &c. Henry I. himself certainly knew them by no other description than "*dignitates, usus, consuetudines, quas pater ejus in regno habuit.*"

historical testimony fully bears out the impression that in all matters pertaining to external police, whether touching the property and endowments of the churches or the persons of the clergy, the authority of the crown was, by the law and custom of England, supreme; and that it was so acknowledged to be both by clergy and laity.

Encroachments of Rome on the "law and custom of the realm."

But in the anarchical reign of Stephen a cardinal-legate from Rome made his way into the island.[k] This person presumed to take precedence of the archbishop of Canterbury in his own cathedral, superseding the primate, and setting up the supremacy of a commission derived from a foreign court. The Anglican prelates fully understood the drift of the movement; and at a synod held in London protested, in the face of the legate, against the presumption of a foreign priest in taking the presidential chair above archbishops, bishops, abbots, and the assembled nobility of the whole realm of England. The protest, however, remained without effect. A timid and time-serving spirit was creeping into the heart of the Anglican church. The archbishop, instead of boldly availing himself of the public indignation at the outrage inflicted upon the lawful dignity and jurisdiction of the primacy, resorted to Rome for his remedy, and fetched from thence a full legatine commission for himself; by which step, at least during his own lifetime, he believed himself secure against foreign interference, but sacrificed for his own person the independence of his see, and the prescriptive rights annexed to it. Except upon decretal grounds, it cannot be contended that this or any other occasional act of a public body or person should have the effect of changing the "law and custom" of the land otherwise than by a sanction equivalent to a legislative recognition. Such a sanction indeed was never given; but the unsettled state of the nation, together with the profligate and tyrannical government of our earlier Norman princes, afforded the court of Rome opportunities for introducing another law into the country. The pre-

[k] In the second year of Honorius II., A.D. 1125.

vailing ignorance of the mass of the people, and the indeterminate character of a law resting upon general and ill-defined usage, diverted the attention of the nation from the movements of the Romanising clergy, and prevented any clear perception of the systematic encroachments of the party upon the prerogative of the crown and the liberties of the national church.

The Constitutions of Clarendon.

In the reign of Stephen the legatine power was fastened upon the kingdom in the person of his brother, Henry bishop of Winchester. In his character of legate of the Holy See that prelate took upon himself, in fraud of the King's prerogative and of the bishops' court, to hear and determine appeals to Rome in ecclesiastical causes. Though till now such appeals were as unusual as they were illegal in England, yet in this reign they became so frequent and vexatious, that both clergy and laity began to regard them as an oppressive invasion of the rights of the national church; and in the reign of his successor Henry II., the general discontent found its proper legal expression in the celebrated *Constitutions of Clarendon*. But these constitutions were in fact a formal declaration of war against some of the most vital principles of papism in its political aspect. They mark the commencement of the long struggle of canonism and the civil law of England, which, after a thousand vicissitudes of alternate defeat and victory, terminated in the establishment of the ecclesiastical supremacy of the crown in all that concerns that *external jurisdiction* requisite to maintain order within the church; to prevent the law-christian from encroaching upon the law of the land; and to exclude every foreign influence which might disturb the political equilibrium by undue pressure upon the religious conscience of the subject.

Nature and origin of the statute.

The statute passed in the eleventh year of Henry II. (A.D. 1164) declaratory of the common law as to the King's prerogative and the rights of his subjects in matters pertaining to their religious government, marks, as observed, the first epoch of the great contest between law and canonism in this country,

and by the determined, though irregular, opposition of our kings and statesmen, serves to throw a brighter light on the scope of papal pretension than even the conflicts we have hitherto had to record. A glance at the articles of the statute of Clarendon will show that they contained as direct a contradiction to the decretalism of the canon law as could be expressed in words. But a few historical incidents will explain the causes which led to the adoption of a law productive of the most violent and tragical collision that had hitherto occurred between the secular and the ecclesiastical state.

Character and designs of Becket.

On the 2d of June 1162, Thomas Becket, a person of obscure birth, was by the mandate of king Henry II. chosen and consecrated archbishop of Canterbury. By the amenity of his manners and the apparent pliancy of his disposition he had won the confidence and affections of his irritable master. In the character of chancellor he had presided in the King's privy council, and made himself familiarly acquainted with every fold and furrow of his character. No man, excepting perhaps his contemporary Ralph de Glanvilla, was better acquainted with the laws and customs of the kingdom,[l] or had more completely surveyed the great gulf which severed that law from the code by which the church was governed. Canons and decretals had been Becket's private study from an early age;[m] and the conviction that "no man can serve two masters" had become profoundly impressed on his mind. Canonism became from the outset of his ecclesiastical career the rule of his life and the guide of his conscience. His *first* step was to transfer all his duty to the new master he was now to serve. His friend John of Salisbury was, without a moment's delay, despatched to Rome to announce

[l] According to *Roger Hoveden*, Becket became chancellor in the year 1157. *Herbert de Bosham*, Vit. S. Thomæ, vol. i. ed. Giles, p. 30, says that before his elevation to the primacy "jam in aula *annis quinque* cancellariæ functus est officio."

[m] That this must have been the fact cannot but be apparent to every reader of his published works. We deem it impossible that he should have acquired his profound knowledge of the decretal scheme, or his still deeper conviction of sacerdotal supremacy, during the troubled years of exile in France. Besides (as we shall see), the very first steps of his career were shaped upon the extreme principles of decretalism.

his election to pope Alexander III., and to sue for the pallium. His next step was formally to surrender the seals of the chancellorship to the King in token of his absolute renunciation of all secular interests, and in discharge of all antecedent obligations to king or kingdom that might stand in the way of his exclusive duties to his order. The new archbishop was sent by Henry to represent the church of England at the great council of Tours, at which pope Alexander presided in pontifical majesty. A place of honour was assigned to the primate of all England; and he listened with eager ear to the magniloquent oration of bishop Arnold of Lisieux.[n] His road now lay clear before him; on either side was an impassable abyss; no by-path, no circuitous route, presented itself to his inflexible spirit; and he returned to his throne the professed vassal of Rome, and, in the secular sense, an enemy to his king and the laws of his country. For he knew the laws, and all his public acts were directed either to set them at defiance or at least to obstruct their operation.

Privileges and profligacies of the English clergy.

The administration of Henry, his frequent wars, and the poverty of his exchequer, threw frequent opportunities in the way of Becket to thwart the King's measures, and to fix the eyes of the great body of the inferior clergy upon himself as their patron and protector. Henry II. was in spirit a constitutional king; he desired to govern his subjects according to law, as far as his necessities and the undefined character of that law itself permitted. But against this design the exorbitant privileges and personal immunities claimed by the clergy, the enormous proportion of the wealth of the country gradually absorbed by the church, and the incessant efforts of the occupants to withdraw it altogether from the service of the state, had for a long time past—probably from the epoch of the separation of the spiritual and temporal courts by William the Conqueror — proved a serious obstruction to the government and a sensible aggravation of the public burdens. A worse evil than these had

[n] See c. v. p. 126 et sqq. of this Book.

resulted from the act of William just alluded to. It had gradually emancipated the clergy of all orders from the control of secular law; and the result had been an incredible amount of crime among them, to the imminent peril of the life and property of the subject. For example, it was proved that since the commencement of the reign of Henry II. no fewer than a hundred murders had been committed by clerks in orders with almost absolute impunity. Rape, arson, robbery, theft, were excused or sheltered under the frock of the priest or the cowl of the monk; no penalties known to the canon law existed adequate to the repression and punishment of crimes of so deep a dye; and king Henry II. was at length driven to put the significant question, "*Whether the ancient laws and customs of the realm were to be observed or not?*"

Becket and the "salvo," &c.

The immediate inducements to the King to call for an answer from the states of the kingdom were the resistance of the archbishop to the most moderate contribution from the overgrown estates of the churches to the necessities of the crown, and the open protection extended by him to the grossest crimes of the clergy.[o] No order of men in the kingdom knew better than the archbishops and bishops of England the utter inconsistency of the privileges claimed by the clergy with the law of the land. But their answer to the King's inquiry was, that the ancient laws and customs of the country ought to be observed and kept, "*saving always the privileges of their order.*" It was obvious to all men that this reply was not a simple evasion, but a negative. But pope Alexander had too much upon his hands at this moment to endanger his alliance with the king of England, or to stretch his demands to the length required by Becket. He withdrew his support; and a pure and simple answer in the affirmative was returned by the English hierarchy. The archbishop of Canterbury, however, took no heed of the concession. He continued to shelter clerical cri-

[o] Mark, in particular, the case of the murderer Philip de Brois, a prebendary of the collegiate church of Bedford, whom Becket protected.

minals against the cognisance of the temporal courts, and to enforce the claims of his see by excommunications and incapacitating penances upon laymen, though tenants *in capite* of the crown, for any resistance to his demands, or offence to his clergy or the patronage of his church. A state of doubt or compromise was intolerable to the spirit of Becket,—open war was better than a truce of shifts and expedients; and with all the outward marks of sincere repentance, he solemnly and publicly retracted his consent to the abandonment of the saving clause in the reply of the bishops, and at once took up a position of uncompromising and illegal hostility to the government and constitution of his country.

Domestic position of Henry II. prior to the enactments of Clarendon.

Conscience, though the best guide of moral action vouchsafed to feeble human nature, is just as liable to escape the control of reason and discretion as simple passion. Becket was no doubt in earnest; and so also was his master Alexander III.; yet the sequel of this history affords a striking contrast between zeal directed by prudence in the case of the latter, and in that of the former, of the bull-headed pursuit of an overpowering conviction, producing a long series of suffering and a tragical conclusion, which under other circumstances might command the pity, if not the sympathies of men of the most opposite opinions. The archbishop had, apparently with a purpose, begun his career by making his late loving and trusting sovereign his bitter enemy. The irascible character of Henry II. could not endure the perpetual checks and obstacles thrown in his way by the primate. His personal feelings were outraged; his revenue was suffering; his servants excommunicated; the exercise of justice interrupted; the law of the land, of which he was the appointed conservator, was set at defiance; the lower orders of the clergy were estranged from their bishops; and a powerful party was silently growing up, which threatened the country with that worst of calamities—an internecine struggle between the religious and the civil government of the land. The sagacity of the King was at no loss to see the end of these things. He had reason

to believe that the greater number of the suffragans of the province of Canterbury watched their archbishop with a jealous eye, and were not slow to perceive that his policy was as inconsistent with *their* independence as with that of the crown. All classes of the laity were well affected to the King; the nobility resented the insults inflicted upon many members of their order; and the ministers of justice stood stoutly by the law they were appointed to administer and defend. The King therefore determined to bring the question of supremacy to an issue, and summoned a great council of the nation to meet him at Clarendon, a royal villa at no great distance from Salisbury.

Articles of the Constitutions.

The conferences terminated with the enactment of the celebrated *Constitutions of Clarendon.* In this instrument the King, with the almost unanimous concurrence of the bishops, the nobility and barons of the realm, set out and declared the customs and liberties of the church of England as they came down to him from his ancestors and predecessors, and the rights both of the crown and people as hitherto observed, and for the future to be observed in this country. It was therefore enacted—1. That all suits respecting advowsons and presentations to churches shall commence in the King's court: 2. That no churches in the fee of the King shall be given away without his consent: 3. That clerks accused to the King's justiciaries shall come into his court and make answers to all such matters as should be objected to them; and if the matter shall appear to be of ecclesiastical cognisance, it shall be by them remitted to the spiritual court: 4. That archbishops, bishops, and officers of the crown shall not depart the realm, to go to Rome or elsewhere, without the King's license: 5. That no man holding *in capite* of the crown, nor any of his servants or dependents, shall be excommunicated, or their lands placed under interdict, without advising with and obtaining the consent of the King: 6. That all ecclesiastical causes shall proceed in regular gradation from the court of the archdeacon to that of the bishop; from him there should be an

appeal to the archbishop; and if there should be a failure of justice in the last-mentioned court, there shall be an appeal to the King himself in the court of the archbishop; no further appeal to be lawful without the express consent of the crown: 7. That all actions respecting lands be brought, in the first instance, in the court of the lord or that of the King; if the land be there found to be of lay tenure,[p] the decision shall rest with the temporal court; if of spiritual tenure, the plea of right to be remitted to the court-christian: 8. That archbishops and bishops shall hold their sees of the King by tenure of barony; they shall be responsible for their conduct as barons to the King's justiciaries or council; they shall do and perform all dues and duties appertaining to their baronies, and shall attend the King's court and person like other barons: 9. That the rents and profits of all vacant sees, abbeys, and priories shall during vacancy fall into the exchequer: 10. That when such vacancy shall occur, the principal clergy of the church shall appear to the King's summons, and there, in his chapel, by his consent, and by the advice of persons whom he shall appoint, proceed to elect a successor to the see or benefice; the person so elected then and there to do homage to the King for the same.[q]

[p] Pure fief, not frankalmaigne or original endowment.

[q] *Matth. Paris*, ed. Watts, 1784, pp. 84, 85. It may be useful here to notice a few particulars of these ancient "leges et consuetudines regni" in their relation to the church. During a great part of Becket's controversy with Henry II. Richard de Lucy was chief justiciary of England (A.D. 1167 to 1179). He was a man of honour and integrity, and a determined upholder of the "leges et consuetudines." The hatred of Becket was concentrated against this officer; but neither repeated excommunications nor violent denunciations availed to effect his downfall (*Pauli*, Gesch. v. Engl. iii. p. 140). He died in 1180; and was succeeded by Ranulph de Glanville, to whom the celebrated treatise "De Legibus et Consuetudinibus Angliæ" is attributed (*Phillips*, Engl. Rechts- und Reichs-Gesch. i. p. 234). From this work and preceding collections of English law we learn a good deal about these ancient laws and customs. Thus, in the *Ll. Edw. Conf.* art. 17: "Rex autem, *quia vicarius summi regis est*, ad hoc est constitutus ut regnum terrenum et populum Domini . . . regat, et ab injuriosis defendat, et maleficos ab eo expellat, &c. . . . Debet etiam S. ecclesiam regni sui, cum omni integritate et libertate *juxta constitutiones patrum et prædecessorum* servare," &c. See *Wilkins*, vol. i. Among the most ancient of the privileges of the King, that of *filling vacant bishopries* is maintained in our oldest books, in like manner as the appointment to vacant benefices is reserved to founders or their descendants or purchasers. Moreover, the common law reserved to the King *the right to administer the estate and to take the revenue of sees and abbeys during vacancy.* The abuses which prevailed in this respect could not operate to repeal the law, or take

Becket subscribes the Constitutions; his remorse and absolution.

The archbishop protested vehemently against these ordinances. He declared that he knew nothing of any such ancient laws and customs. He and his friends describe them as "ancient customs, acts, and *pravities*," or as "abuses of the older kings."[r] Yet, when beset by the entreaties of his most trusted and faithful friends and servants, and perhaps, in some degree, intimidated by the threatening aspect of the King, Becket, in a moment of irresolution—an exceptional occurrence in the life of this inexorable being—set his hand among the rest, and with reluctance, to the Constitutions.[s] Yet he had scarcely appended his seal when, in an excess of real or affected remorse, he confessed his delinquency to the Pope, and threw himself on the mercy of the Holy See. He imposed the severest penances upon himself, and abstained from the service of the altar for a period of forty days. Upon his report Alexander had hastened to condemn the Constitutions, and to comfort the faithful servant of the church by a pontifical assurance that his momentary lapse was forgiven, and that all remembrance of it was expunged from the book of life.[t] But it suited neither the temper nor the purpose of the archbishop to be consoled. The difficulties of his position were clearly spread out before him; and the prospect served only to strengthen his determination to rush straight at the foe—to grapple with him, or to perish in the attempt.[u] The battle array

away the right of the crown; but the prolongation of the vacancy for the purpose of enriching the exchequer was an acknowledged abuse. The clergy were not exempted by the common law from the jurisdiction of the King's courts: and the prerogative of the crown undoubtedly extended to the *exclusion of every foreign influence, spiritual or temporal, that might interfere with the laws and government of the kingdom.* The history of English law very clearly indicates that in the reign of Henry II. the legal instinct of the people had gained ground, that it had resolved itself into a more systematic form, and acquired strength in proportion as the Latinising clergy struggled to introduce the principles of canonism.

[r] *Gervase* of Canterbury calls them "veteres consuetudines, actus et *pravitates*." *Roger* of Croyland stigmatises them as "veterum regum *abusiones*."

[s] *Will. Fitzstephen*, Vita S. Thomæ, ed. Giles, p. 217.

[t] The consolatory letter of the Pope is dated from Sens, 26th Oct. 1163. It contains a gentle hint that the archbishop may have been rather too active in his diocese, and that perchance some mistake in his own conduct may have produced the irritation in the mind of Henry II. of which he complains. *Baron.* an. 1163, § 22.

[u] His reply to the Pope (*Baron.* § 25, p. 213) bewails the growing weakness of the church; the contempt of the canons, "adeo ut nec sanctorum patrum sanctiones nec statuta canonum,

presented to his diseased vision was, on the one side, Christ and the canons, and on the other, Satan and the world's law; for in every human ordinance which might stand in contradiction to a canon—as part and parcel of the divine law—he discerned the hand of the enemy sowing tares in the vineyard of the Lord; therefore, if human law were to prevail, the church was *pro tanto* the slave and servant of Satan: the church must, therefore, conquer or perish.[v]

In fanaticism, as in lunacy, there is a cunning of which the diseased subject is unconscious. It is scarcely possible for any attentive reader of the contemporary documents[w] to avoid the conviction that Becket knew his remedy, and had provided the means of escaping his engagements. He had sealed and sworn to the Constitutions in the month of January 1164, and had not lost a moment in announcing his self-imputed delinquency to the Pope; in reply, he had received from the latter, within a month, a formal condemnation of the Constitutions, with letters absolving him from all engagements contrary to the canons, and a mandate to all the bishops and prelates of the kingdom without scruple to break through any promises of the like nature they might have contracted. The archbishop had from first to last kept the Pope fully informed of all that had passed between him and the King; so that no sooner had he appended his seal to the obnoxious statute than Alexander had notice both of his repentance and his renunciation.[x] The poison was no sooner swallowed than the antidote was at his lips.[y] Thus far pope Alexander III. saw no harm in humouring his over-zealous minister. He knew his value as a champion, but never trusted him as a discretionary agent or manager. With many compliments to his gallant resistance in the affair

Policy of Alexander III.

quorum apud nos etiam nomen exosum est," were of any avail for the protection of the clergy against the secular judicature.

[v] Conf. *Bar.* an. 1164, § 5, p. 219,—the remonstrance of Becket's party against the Constitutions.

[w] Which exist in almost overwhelming bulk and quantity.

[x] See the letters ap. *Baron.* an. 1164, § 3-5; *Jaffé*, Regist. &c. p. 697. These epistles were all written from Sens, where Alex. III. was residing.

[y] A later letter of Alex. III. (dated Sens, 1st April 1164) repeats the absolution, and remits the self-imposed penances, so as to send the archbishop back to his spiritual duties.

of the Constitutions, he informed Becket that he had refused the King's request to confirm the enactments of Clarendon, but had granted the legation requested for the archbishop of York *to the King himself*, but without prejudice to his (Becket's) provincial jurisdiction: he advised the archbishop to yield to the necessities of the times, that he might not bring greater calamities upon the church than those by which she was at that moment beset:[z] that he should, in short, do his best to regain the confidence of the King, lest by irritating opposition he should bring the church into greater trouble, and give a triumph to her adversary.[a]

Persecution of Becket by Henry II.

The trimming scheme of Alexander III. was little suited to the temper of the archbishop. The King was irritated by an ostensible deference which left his opponent in possession of all his powers of annoyance. Becket continued obstinately to decline the jurisdiction of the King's courts, and to throw his mantle over the offences of churchmen by excommunicating, without distinction of persons, all who dared to interfere with his exclusive authority in all matters and over all persons he chose to regard as appertaining to the spiritual government. In this posture of affairs Henry called a great council or parliament at Northampton.[b] The council was attended by all the temporal and spiritual barons of the kingdom; at the head of the latter came archbishop Becket. Here he gave vent to that captious and querulous spirit which had poisoned his intercourse with the King since his resignation of the chancellorship. All the passions of Henry's nature were stimulated into a vindictive resolution to ruin his enemy. Becket had refused justice to an officer of the royal treasury, John Marshall, in a claim of land; the claimant had appealed to the King's court, and the archbishop had contemptuously refused to appear. At the demand of the King the offence of Becket was ad-

[z] Viz. the great conflict with the emperor Frederick I., and the rebellion of the Romans. Becket was asked to yield to the king, "salva honestate ecclesiastici ordinis."

[a] This letter is dated Sens, the 3d of March 1164. *Baron.* ibid. p. 220. In another epistle Alexander III. exhorts Becket to demean himself with circumspection and without rashness.

[b] The 8th of Oct. 1164.

judged by the parliament to be a breach of his allegiance, and deserving of the severest punishment: all his personalty was declared to be forfeited; the penalty to be commuted for a fine of 500*l*. The bishops, it is true, petitioned the king for a remission of the sentence, but without effect. Gilbert Foliot, bishop of London, refused to concur in the petition. Following up his unworthy design, the King next demanded from the archbishop a strict account of various sums he had received from the exchequer while he held the office of chancellor, and the reimbursement of moneys alleged to have been intrusted to him for public purposes; and he was told that, unless he could find good security for the satisfaction of these unrighteous demands, he would be consigned to a prison. These claims, however, were but the precursors of the great blow which was to crush his adversary to the earth. After several hearings on different consecutive days, the King called upon the archbishop to render an account of the sums received from all the vacant bishoprics, abbeys, baronies, and other fiefs which had fallen to the crown within the period of his administration as chancellor, as well as of all the benefices bestowed upon him by the King himself. The whole amount of these demands rose to the then enormous sum of 30,000 marks of silver. The bishops made an ineffectual attempt to step in to the rescue of their primate. But the temporal barons rejected their appeal, and on the 13th of October the bishops endeavoured to persuade Becket to humble himself under the hand of the King, and admit the groundless demand. But, sick and feeble as he was at that moment, rising from his couch, he rebuked the craven spirit of his suffragans in a fiery speech, which sent them back into the presence of the King in a state of trepidation and irresolution full of promise for the accomplishment of his vindictive purpose.

Heroism of Becket.

The answers of archbishop Becket to the various charges brought against him were probably faithful statements of the expenditure of the moneys which had passed through his hands.

But the means of discharging himself were not within his power. Two years had passed away from the date of his resignation of the chancellorship, since which time he had heard no whisper of defalcation in any part of his administration: the items of charge were a manifest afterthought, now for the first time raked up to accomplish his ruin; and this was, no doubt, the impression produced on the minds of the parliament. But the prelates, with the exception of the bishop of Winchester and one or two others, lay under the terror of the ungoverned temper of the King. Nor were these fears allayed when Henry, with real or assumed anger, again put the categorical question to them, whether they would return a *pure and simple* affirmative to the Constitutions of Clarendon for themselves, and would engage that their primate should do the like in his own person. On their parts the answer was ready enough; but no force of fear or persuasion could wring from the archbishop any answer not guarded by the fatal *salvo ordine suo*, which he well knew would drive the King to extremities. In an access of apparently uncontrollable wrath, Henry quitted the assembly, on his road to London. The bishops hurried after him in fear and trembling, expecting that they would see his face no more till they found themselves deprived of all they had to live upon. Henry suffered himself to be overtaken; and now a pure and simple assent to the all-important question was obtained with marvellous facility. The primate found himself deserted and shunned by men of all ranks; but the strength, though not the spirit of the martyr, was stirring within him: "Though," he exclaimed, "I stand alone; though I remain the solitary defender of the rights of my order; though I offend the King; though my bishops secede from me, and I become a byword of reproach to the world, I will never be unmindful of the cause of God and my order. For be it far from me, that by the fear or favour of mortal man I should be found a traitor to the cause of God. Nay, if an angel from heaven were to give me any such counsel, let him be accursed."[c]

[c] *Will. Fitzstephen*, Vit. S. Thomæ, ed. Giles, tom. i. p. 213.

We admire the heroism of Becket as we admire the courageous prosecution of a principle honestly and conscientiously conceived, though recklessly and imprudently pursued. It should be observed, that the proper legal privileges of the church of England were never in danger. But it was not for these that Becket took up his cross. Under a foreign banner he was fighting the battle of another law, which in his conscience he had identified with the law of God. He was one of those men who are born to disturb the world, but not to bring out order from the chaos they have created. Even in this extremity of his fortunes, every act he did implied insult and defiance.[d] He presented himself before the King and his great council as a martyr prepared to die; he sheltered himself under the episcopal crucifix, rather as a provocative to dishonour the sacred emblem in his person, and to expose his enemy to religious odium, than for any protection it could afford him as a baron of the realm. The sword of the King might be strong to kill the body, the cross of the bishop must never yield to the sharpest of earthly weapons. The entreaties of friends and foes to induce him to forego this needless insult were unavailing; and Becket took his seat, holding in his hand the offensive symbol. The bishops, in the mean time, were anxiously engaged with the King in private to obtain a reasonable commutation of the penalties imposed upon their primate, and to find an expedient to prevent the sequestration and ruin which must follow the execution of the sentence. Meanwhile the archbishop was assailed by rumours of an intended attack upon his life by the king's friends: a conspiracy, it was said, was on foot to kill him, if he should obdurately decline the judgment of the king and his peers. After a long consultation, the mediating prelates and barons waited upon him from the privy council with the ultimatum of the

Parliament of Northampton. The King's ultimatum.

[d] Thus, on the morning of the decisive day at Northampton, he performed the mass of St. Stephen the proto-martyr, to the words "Etenim sederunt principes," &c. These things were well understood in those days, and were immediately reported to the King, who was at no loss to understand their meaning. *W. Fitzst.* Vit. &c. p. 224.

King: they inquired whether he was disposed sincerely and honestly (*bona fide*) to observe and keep the statutes of Clarendon, without reservation or qualification, according to his subscription and the oath he had sworn? Whether he was prepared to give security to render an account of his chancellorship, and to that end to acknowledge the jurisdiction and abide the decision of the King's court?

Becket's reply to the ultimatum.

In reply, Becket denied the competency of the parliament to put him on his trial; he evaded the question of liability to the King's court; and complained of the irregularity and injustice of the proceedings under which he had hitherto suffered. As to the required securities, he had no means of procuring them; that besides this, he had, prior to his consecration, received from the King himself the amplest discharge from all the liabilities of his temporal office; and of this, if it were not a dangerous matter, he could produce other witnesses: without direct allusion to the Constitutions, he declared that when he took upon him the government of the church he had cast aside all secular occupations and interests, and devoted himself with singleness of purpose to the glory of God, the maintenance of the ecclesiastical dignity, and the honour of his episcopal office.

Becket's protest against the judgment of the court.

This answer implied a negative upon both questions; so at least it was construed by the King and the court. Upon the report of the bishops, Henry peremptorily demanded the judgment of the estates temporal and spiritual upon the delinquent. The bishops hesitated; they felt themselves in a dilemma between their canonical obedience to their primate and their duties as barons of the realm: by the archbishop's prohibition they were, as their prolocutor expressed it, "placed between the hammer and the anvil." Again they urged upon him their oaths to the Constitutions of Clarendon; they had, they said, sworn to accept them "in good faith and without mental reservation, and to observe them as law."[e] "Nay," replied

[e] "Bona fide, sine dolo malo, et legitime."

Becket; "that which is contrary to the laws of God cannot be said to be done lawfully or in good faith; these words are in themselves a saving clause, by which the rights of our churches—*rights which we derive from the pontifical law*—are secured; besides, the Pope has *cancelled and annulled the document to which you appeal:* and that rejection is a command to us that we should do the like, and prove ourselves ever ready to receive what the Roman church receives, and to reject what she rejects. Moreover, if at Clarendon we were found backsliders, it is our duty to retrace the false step; if we there pledged our faith, nay, if we swore to do the unrighteous thing, you are to know that they who swear to that which is in itself unlawful are in no way bound by their oaths." After this, further negotiation was considered useless; the barons and prelates resumed their places in the presence of the archbishop; Hilary bishop of Chichester called upon him to hearken to the sentence of the court. "What," exclaimed the primate, "are you about to do? Would you pass your sentence upon me? It is unlawful. There is no cause before you,—there is no matter of controversy on which to found a judgment. Moreover, I am your spiritual father; ye are but officers of the palace, lay lords, secular persons; I will not hearken to your judgment." Rising suddenly from his seat, the archbishop grasped his cross, and quitted the assembly amid the scoffs and reproaches of the laity and the downcast countenances of the episcopal bench.[f]

Escape of Becket, and his reception in France.

That night late he sent the bishops of Rochester, Worcester, and Hereford to the King to ask for license and safe-conduct to betake himself beyond seas. The King replied that he should have his answer on the morrow. In the councils of the King there were those whose memories furnished them with precedents of punishments inflicted upon refractory or rebellious prelates, such as close imprisonment, mutilations, or worse. Henry, though for the moment in good humour at the success of his scheme for the ruin of his enemy, was likely enough to listen to

[f] See the narrative of *Willm. Fitzstephen*, ed. Giles, vol. i. pp. 202-238.

suggestions which were requisite to complete the operation in hand. Becket was well informed of all that passed at the court, and reasonably concluded that his best chance of personal safety lay in timely flight. Accordingly in the night of the 13th and 14th of October he took horse and directed his steps with all speed towards the coast. Taking a long circuit, and travelling in the disguise of a lay friar, he reached the port of Sandwich in safety, and passed over to Flanders; and thence travelled to the court of Louis VII. of France at Soissons. The archbishop was received by the King with pleasure as the enemy of Henry, with whom he was just then upon no very friendly terms.

Vindictive proceedings of Henry II. against the archbishop.

After the archbishop's evasion, Henry II. did not immediately proceed to the execution of the sentence. He was apparently anxious, before taking the last decisive step against the property of the primate and the see of Canterbury, to sound pope Alexander III. on the subject of the appeal in which all parties had joined before the breaking up of the council of Northampton. As soon as the escape of Becket was announced to the King, he despatched in great haste bishop Gilbert Foliot and the earl of Arundel to the court of Alexander at Sens. The prelate strongly urged the pontiff to set aside the appeal of the archbishop, and to send him back to England with legates *a latere*, who should decide the cause between him and the King. But as Becket himself, in consequence of the circuitous route he had been obliged to take, had not yet presented himself before the Pope, the latter civilly declined both proposals, and the King's envoys departed from Sens before the archbishop arrived. Exasperated by his failure, Henry without delay seized into his own hands all the lands of the see of Canterbury, together with the personal property of Becket and that of all who without the royal license had followed him beyond seas. The archbishop was proclaimed a traitor, and the severest measures were adopted to prevent communication with his friends in England, and to guard more especially against the introduction of papal bulls or re-

scripts, and the dangerous exercise of the metropolitan powers of Becket, within the kingdom during his exile. All persons who should be found in possession of writings importing an interdict upon the kingdom[g] were threatened with loss of life or limb.[h] The personal attendants and servants of the primate were turned out of their homes and driven across the sea, with a view to aggravate his poverty by the numbers who now had no other refuge and no other means of support but those which he might still be able to afford. But his steady friend John of Salisbury, who had preceded him to France some months before, produced funds which, in anticipation of the late events, he had managed to collect and carry away with him; and the seasonable supply enabled him to fence off for a time the distresses of a helpless yet devoted throng of destitute dependents.

Becket's address to pope Alexander III.

But archbishop Becket was no less bent upon revenge than his powerful opponent. His principal object at this moment was to wound the King through his ministers and friends. In reference to the late proceedings at Northampton, he avowed that his intentions had been to establish once for all the immunity of the clergy from all connexion with the civil law; for as long as such a state of things continued, the spiritual power must be and remain the bondmaid of the secular state: his submission to the judgment of his peers at the late parliament, he contended, would have established a precedent fatal to the liberties of the church for all time to come. It was, he said, his appeal to the Pope that had drawn down upon him the deadly persecution under which he and his friends were pining. Such a state of things was a bitter insult to the Holy See; and unless it was rectified by the severest exercise of the pontifical scourge, the time-serving and timid spirit of the bishops would never be taught to

[g] The King no doubt suspected the archbishop of an intention to do him all the harm he could; and he well knew the confusion and difficulty into which his adversary might plunge him if he succeeded in publishing an interdict; or even if he should retain, through his numerous dependents and servants, a sure channel of communication with England.

[h] *Baronius* quotes a letter from the Codex Vaticanus, lib. i. ep. 14 of Becket's letters, for this fact.

know its master: they would go on serving the turn of the tyrant, to the total subjugation of the church under his imperious will. "Therefore," said he to the pontiff, "put forth your utmost rigour, bind down those from whose counsels this persecution springs. But let not these offences be laid to the charge of our lord the King, whom I will suppose to be rather the instrument than the instigator of the mischief."[i]

Becket's reception by the Pope.

The enemies against whom the first blow was aimed were Roger archbishop of York, and the bishops Hilary of Chichester and Gilbert Foliot of London; but both he and his adviser John of Salisbury thought that their downfall could not otherwise be accomplished than by a general interdict upon the kingdom. This measure would, they believed, fix the wavering spirit of the prelacy, and tame down the blustering and intemperate habits of the King. This view they pressed upon the Pope with the utmost solicitude. But at this moment Alexander had far too much on his hands to consent to a step which would not only deprive him of the Peter's-pence, of which he was just then greatly in want, but bring upon him another powerful enemy, who would infallibly throw himself into the arms of Frederic of Germany and the antipope Victor IV., and thus deprive him of the advantage he had reaped from the general recognition of his title throughout Christendom.[j] Becket arrived at Sens after the departure of the English bishops. He presented himself to the Pope with a copy of the obnoxious constitutions in his hand; but they had been already repudiated by the curia, and the Pope and his court again condemned and rejected them; and came to a unanimous decision that "in the person of the archbishop the whole church must be supported."[k] Alexander knew too well the value of so resolute a champion to let him fall; and when the archbishop with many tears surrendered his pastoral staff and ring into the hands of the Pope, the latter returned it to him with a benignant rebuke for his momentary tergiversation, and

[i] Rog. Hoved.

[j] *John of Salisbury* to Becket, ap. *Baron.* an. 1164, § 33, 34, p. 231.

[k] *Baron.* an. 1164, § 36, p. 232.

a hearty commendation of the resolute stand he had made on behalf of the liberties of the church.

The apprehensions of Alexander were not unfounded. Henry II. was bitterly offended at the ill success of his application. After Becket's escape, the parliament of Northampton had confirmed and republished the Constitutions of Clarendon, and it had been decreed that whosoever should bring in or publish any interdict, or any papal bull or writing, should be deemed a traitor, and suffer death accordingly: that no clerk, monk, or friar should go beyond seas, or if abroad return to England, without the license of the justiciary or of the King himself, on pain of imprisonment: appeals to the Pope or the archbishop were strictly interdicted; and all pleas held by mandate from the Pope or the archbishop were to be deemed and punished as misdemeanors: all clerks beyond seas were ordered to return home within six months, or their revenues to be seized into the King's hands: Peter's-pence to be no longer paid to the agents of the Pope, but into the King's exchequer. These ordinances were now ordered to be carried into execution with the utmost rigour; and in furtherance of the King's vengeance against the archbishop, all his kindred were banished the country without distinction of age, sex, or infirmity,[1] with the intent that they should fall to his charge and increase the pecuniary embarrassments which soon began to weigh heavily upon his scanty resources. Frederic I. of Germany was awake to the advantages of an alliance with Henry II., and might entertain hopes of detaching him from his connection with pope Alexander. While in Normandy the King received an embassy from the Emperor, demanding the hands of his two daughters for his son and for his kinsman Henry, surnamed the Lion, duke of Saxony and Bavaria. A negotiation was entered into with archbishop Rainold of Cologne, and a letter was sent announcing the approach of envoys to negotiate personally with the Emperor concerning the marriages proposed,

Henry II. threatens the Pope with secession.

[1] *Gervase* of Canterbury, ap. *Pagi* ad *Baron.* 1164, p. 235, adds: Perhaps also under an apprehension that they might convey intelligence, or act as agents of the archbishop.

and the King's future relations to the Holy See. The envoys, Bartholomew of Exeter and John of Oxford, in fact appeared, as we have seen,[m] at the diet of Würzburg, and joined with that assembly in the renunciation of pope Alexander, and the recognition of the anti-pope Pascal. The affair went no further for the present; the Pope, who was at this moment in great want of money, could not afford to break with the King; and little notice was taken of an act which he probably understood as a hint that any active support to the King's enemy might draw after it detrimental consequences to the Holy See.

Becket in France; tone and character of his correspondence.

The alarm, however, which the reported secession of Henry II. produced on the mind of Becket and the French court brought the archbishop again into the field. Pope Alexander probably was not altogether exempt from the like anxiety.[n] He was just at this time preparing to avail himself of the improved aspect of his affairs in Italy, and the favourable disposition of the Romans, to return to his capital; doubtless calculating upon the additional weight which the still precarious position of his friends and allies in Lombardy and elsewhere must cast upon his shoulders.[o] Under such circumstances the only safe policy lay in vigilance and forbearance. As far as related to active support, Becket remained in a state of isolation in the highest degree irritating to his impatient temperament. The Pope had assigned to him the convent of Pontigny for his abode; but had not felt himself called upon to provide the necessary funds for his maintenance and that of his destitute companions. The archbishop, however, was not wholly without resources. In defiance of the king's prohibition, he was not only accurately informed of all that was going on at court, but continued to be supplied from time to time with small sums of money from England. The leisure hours he could spare from his active correspondence he spent in the study of the canon law; to the neglect—as his friend John of Salisbury significantly hints—of those devotional

[m] Chap. v. p. 137 of this Book.

[n] Rainald of Cologne, on his return from his embassy to the King in Normandy, had reported that the King and more than fifty prelates of the English church were ready to turn over to pope Pascal.

[o] Conf. c. v. p. 139 of this Book.

exercises and sobering contemplations befitting his actual position.[p] The greater part of his time was, however, devoted to correspondence with his friends, and letters to the King. Notwithstanding the complaining and deprecatory tone of these addresses, almost every line was replete with taunt and contumely. He wrote with the full knowledge of the irritating effect they must produce;[q] he threatened the King with the wrath of God; he prophesied rebellion in his family,—"the kingdom should depart from his race, as it did from the house of Solomon for his apostasy." "Let him therefore humble himself as did David," &c. He was deeply offended by the more moderate tone of his friends and partisans. "I have," he exclaimed, "chosen to be an outcast; to be anathema for all; to be a by-word among men; the rejected of the people; lest I should seem to desert the cause of the saints, and to dissemble the injuries of our people." "Verily," he says, "if the enemy hear not *my* voice, you will of a truth have a right to cry aloud against me, 'Arise; why sleepest thou? Unsheathe the sword of St. Peter! Vindicate the blood of the servants of Christ which hath been shed,'" &c.[r] In the same tone and spirit he exhorts his friend the bishop of Hereford to "gird up his loins, to cry aloud against the enemies of the church, to cause them to quake with terror; to drive them to repentance and satisfaction, lest the wrath of God fall upon them, and the whole nation perish . . . . saying that the divine vengeance is at the door. As for myself, it is ordained that I should await the appointed end of these things; for the Lord hath shown what things and how many I must suffer for His name's sake and for the defence of His church; therefore I have great need that you, and the

[p] "Prosunt," he remarks, "quidem leges et canones; sed mihi credite quia *nunc* non erat his opus; siquidem non tam devotionem excitant quam *curiositatem*." See the extract from the works of John of Salisbury, ap. *Baron.* an. 1165, § 2, p. 245. Again: "I had rather you meditated the Psalms or the 'Morals' of the holy Gregory (the Great) than that you should philosophise after the manner of the schools."

[q] "Verendum est *ne irati animus ad deteriora provocatur*. Quid faciam? Loquar an sileam? Verumtamen, &c., it was better to fall under the displeasure of man, than under the hand of the living God."

[r] Surely, a mere figure of speech! We have no hint hitherto of any one having been put to death in the cause of the archbishop.

whole church committed to your charge, should be instant in prayer for me."[s]

Becket excommunicates the King's ministers.

It was the passionate desire of Becket to launch a sentence of interdict coextensive with the kingdom of England and the continental states of his enemy. He had persuaded himself that nothing short of this extreme measure would produce any sensible effect on the obdurate spirits of Henry and his ministers. A new injury had stirred up every violent passion in his nature. Henry had managed to procure his expulsion from the convent of Pontigny,[t] and to drive him to beg an asylum for himself and his impoverished followers from the French king. But permission from the Pope to empty out at once the quiver of his wrath could not be obtained. Short of this extremity Alexander had left him in full exercise of his metropolitan powers. Consequently, on the 3d of June 1166, while residing at Vezelay, he solemnly condemned the Constitutions of Clarendon and their authors, naming specially the King's ministers and agents, John of Oxford and Richard of Ilchester, for communicating with heretics; Richard de Lucy and Jocelyn de Baliol, as abettors of the Constitutions; and Ranulph de Broc, as sequestrator of the estates of the see of Canterbury. The Pope had no objection to await the effect of this modified measure; and Becket sent his precept to Gilbert Foliot bishop of London, to publish the document in all the churches of the province. The bishops, however, remonstrated, and appealed to the Pope against the mandate of the primate; and, awaiting the decision, deferred the publication of the anathema.

Becket's view of ecclesiastical privilege.

In the correspondence of archbishop Becket within the latter months of the year 1166, we obtain the broadest view of the principles of decretal canonism that have hitherto come under our consideration. At the same time the language of king Henry displays with equal clearness the antago-

[s] See ep. ad E. Hereford. ap. *Baron.* an. 1165, § 5, p. 246. *Rog. Hoved.* ap. *Savile*, Ss. Rr. Anglic. p. 503.

[t] By threatening the fraternity of the monastery to expel from their houses all the brethren of the Cistercian order within his dominions, if they continued to shelter his enemy.

nistic theory of the royal state and prerogative in their relation to the church. In his addresses to the King, Becket wonders at his continued "impenitence;" "he had lived," he said, "in the daily expectation of a message of remorse, and a tender of satisfaction for all the injuries he had inflicted on the church." "It was his bounden duty to spread out before him the number and enormity of his offences, more especially those committed against ecclesiastical persons; and this he must do at the peril of his own soul." Bishops, he affirms, neither are, nor ever were, held amenable to the civil power; for had not the bishops of the great council of Nicæa, in the very presence and with the assent of the holy emperor Constantine, declared themselves exempt from all temporal law? Who, then, shall dare to raise a doubt *that the priests of Christ are the fathers and masters of kings and princes*, and of all the faithful? It were, indeed, sheer madness to maintain that the son might reduce his father to subjection, or the disciple his master: the king, therefore, should demean himself as the obedient son, not as the ruler of the church; it was his duty to learn from, not to school his priest; to follow, not to go before him: for are not priests those of whom the Lord hath said, "he that heareth you heareth me; he that despiseth you despiseth me; he that toucheth you toucheth the pupil of mine eye"?[u] It was therefore the will of God that the things of the church should be wholly in the order and disposition of the church; for his priests received these things *not from public law, nor from the powers of the world, but from their pontiffs and priests*, and by them alone they were to be administered. Christian kings are therefore bound *to subject all executive measures to their ecclesiastical chiefs, not to give them the precedence:* for it is written,[v] that no man but a priest shall sit in judgment upon a priest; neither shall *human law* pass sentence on such as these; *it behoves, therefore, Christian princes to obey the statutes of the church; not to postpone them to*

[u] Conf. Book vi. c. vii. pp. 191, 197 et sqq. of this work.

[v] Namely, in the spurious Decretals, here placed upon a level with the written Word—the legitimate fruit this of Becket's canonical studies.

their own: princes are to *bow the head before the priest*, not to sit in judgment upon him.[w]

Henry II. declares his prerogative, and his resolution to uphold the laws and customs of the country.

About the same time the archbishop instructed his clergy to excommunicate the King's officers, and all others who should aid and abet them in preventing ecclesiastical persons from crossing the seas to go to the Pope, or to communicate personally with himself; and to release from their oaths all officials who might have bound themselves to perform such unlawful duty: "for Christ, who presides in the Roman church, comprehends in himself all powers in heaven and on earth."[x] These violent proceedings created no other sensation in England than the appeal of the bishops to the Pope. Their effect upon the mind of Henry was to draw from him a declaration of right in most respects corresponding with that of the emperor Frederic on a like occasion.[y] After protesting his attachment to the Holy See, the King imputed the reports of his secession to the malignant arts of Becket. At no moment, he declared, had he ever contemplated such a step; the rumour could have originated from no one but the man whose every word and act had been but one series of insult and injury: that person had never ceased, both in writing and by word of mouth, to defame him to the world; he had held him up to public odium as a persecutor of the church, a homicide, and a traitor to his religion. With all this he (the King) had but maintained the rights and prerogatives of his crown. He protested that his honour and dominion were derived from the same source as that of all authority, temporal or spiritual. "*Whatever*," he said, "*of honour and power he possessed, he had derived from God;* and *to Him*

[w] *Baron.* an. 1166, § 30, p. 266 et sqq. The letter of Becket to the King is given *in extenso*. This wonderful composition is stuffed full of decretal fictions. Besides the story about Constantine and the bishops of Nicæa, we have the last editions of the history of Ambrose and Theodosius, of Innocent I. and the emperor Arcadius, &c. &c. The king of England is throughout the prototype of all the wicked kings who ever reigned upon earth. The close of the letter is in a strain of hypocritical cant discreditable to the character of Becket, though perhaps not more so to him than the miserable shibboleths of various factions in the mouths of political or religious fanatics.

[x] See the mandate *in extenso*, ap. *Baron.* an. 1166, pp. 268, 269.

[y] See ch. iii. p. 82 of this Book.

alone he held himself accountable; for to Him alone was he indebted for them—to Him alone did he give thanks for this great boon: he therefore besought the pontiff to cause him to be treated as a sovereign prince, and not permit him to be trampled upon as the bondsman of a turbulent priest: the only offence imputed to him was, that he had defended the honour of his crown and the ancient laws and customs of the kingdom: no one could dispute his right to marry his daughters to whom he pleased; yet even this had been imputed to him as a crime: neither had he expelled the archbishop from the kingdom; nay, he verily believed that he had quitted the realm for the mere purpose of gaining a position from which he might be the better able to vilify and insult his sovereign; let him return to his proper duties, and then all justice should be done him: but *if any one, whoever he might be, should attempt to impede or to derogate from the rights, customs, and dignity of king and kingdom, he should surely be deemed a public enemy,* and treated as a traitor to the King, his crown, and dignity: *he,* the King, as long as life should be granted him, *would in nowise permit his royal prerogative, or the law and custom of the realm, to suffer abatement.*"[z]

Becket, as legate, renews excommunications.

It may be clearly gathered from the letters of Becket that he had by this time abandoned all hope of frightening the King into his terms; neither would he himself accept any others. In the early part of the year 1166 he had obtained from Alexander III. the legatine powers over England,[a] and he lost no time in putting them into execution. He cited to his presence the chaplains and clerical officers of the court to answer to him upon divers matters touching their ministrations; and on their non-appearance—upon which no doubt he had reckoned—he proceeded to excommunicate them by name, and to promulgate the sentence with all possible solemnity. Bishop Foliot of London

[z] See Henry's letter to the Pope *in extenso,* ap. *Baron.* an. 1166, p. 261.

[a] According to Baronius, the letters of legation were dated the 9th October 1166. *Pagi* thinks they must have been issued in December 1165, but not acted upon till 1166. *Jaffé,* Regist. &c. p. 708, dates the letters on the 24th April 1166.

was charged with the publication of the edict in England, and at the same time strictly commanded, on pain of deposition, to proclaim and execute the like sentence upon the royal sequestrators of the estates of his church of Canterbury, and upon all persons in possession who should not within two months make restitution and satisfaction for dilapidations and all other injuries done. He republished the nominative excommunications of the King's servants and ministers, and condemned to the like reprobation all who should hold any kind of intercourse with them; so that at last there remained no clerks in the King's chapel but persons disabled from saying Mass either by actual excommunication or by participation with those who lay under the curse.[b] It is indeed difficult to resist the persuasion, that after Becket had relinquished the hope of making any impression upon the King, or of prevailing upon the bishops of England to coöperate with him, he had resolved to do all the mischief he could.

Becket endeavours to persuade the Pope to excommunicate Henry II.

Though irritated and perplexed by the fanatical impetuosity of the primate, bishop Foliot of London felt that a measure of justice was due to him; and he advised the King no longer to withhold Peter's-pence, and to restore the sequestrated estates of the see of Canterbury to Becket or his agents. He asked for the King's permission to appeal to the Pope if they should find any thing in the archbishop's mandates inconsistent with the law of the land, with a view to charge the Pope with the settlement of the quarrel, and to open a channel of accommodation between the King and the primate. But Becket had guarded against the disappointment of his project by procuring the insertion of a clause in the legatine powers which took away the right of appeal to the Pope.[c] The prelates of England now, to appearance, lay at his mercy; and Becket set every engine of

[b] *Pagi* ad *Baron.* an. 1167, pp. 282, 283, extracted from the biographies of Becket, which he designates by the name of the "Quadripartite life," a Ms. in the Vatican library.

[c] Thus, as Baronius expresses it, the bishop was "building his wall without mortar." Becket had taken care to carry away the mortar. *Baron.* an. 1167, § 19, p. 283.

craft and persuasion at work to persuade the Pope to strike the decisive blow, and to excommunicate the King, and lay the kingdom under the interdict. Henry II. and his court were plunged into great embarrassment by these violent measures. The anger of the King was with difficulty restrained within the bounds of common prudence or decency. But it was not the intention of Alexander III. to drive him to extremities. The crisis was indeed fraught with difficulty to the Holy See. At that moment the Pope was preparing to encounter the most serious danger that had hitherto threatened his throne and power;[d] money and sympathy were of vital importance; and the restitution of Peter's-pence could hardly be purchased at too high a figure of spiritual indulgence. Arnold of Lisieux, the trusted friend and agent of Alexander, whispered in the King's ear that, under the circumstances, an appeal to Rome on his part might be expedient.[e] The advice of the bishop was adopted, and the appeal notified to Becket. The King's envoys at Rome succeeded in procuring the nomination of two legates *a latere*, with full powers to decide all questions between him and the archbishop; at the same time the Pope suspended the appeal, and remitted all parties to the decision of the legates.

Temperate remonstrance of the bishops to Becket.

Before the success of the King's application to the Pope was known, the English prelates—probably at the suggestion of Foliot—addressed a respectful and temperate remonstrance to their archbishop, deprecating the harsh and undutiful language in which he had indulged towards his sovereign, and imploring him not to add to the actual difficulties which beset the church, and the Holy See in particular, by drawing upon them more enemies than they had on their hands already. The King, they freely admitted, had not been always in the right; yet a repetition of the course hitherto pursued might have the effect of altogether alienating him from the Holy See:

[d] Frederic I. was about to invade Italy with all the strength of the empire. See chap. v. p. 139 of this Book.

[e] The legatine powers of Becket did not extend to the King or to his continental dominions.

as yet he had shown every disposition to listen with deference to the pontifical monitions; he had been ready to do right and justice in all things pertaining to the church, and to make amends for all wrongs committed by himself or his servants; reserving only his rights as an anointed king, ordained of God to maintain the peace and good government of his dominions: for their own part they (the bishops) might justly complain of the arbitrary treatment they had suffered; the bishop of Salisbury and his dean[f] had, among others, been suspended and condemned without trial: such proceedings savoured more of wrath than justice; and against this and the like treatment they had interposed their appeal to the Pope, as it was their duty to do, in order that he might not, by an undue extension of his powers, be permitted to bring damage and disgrace both upon church and kingdom.[g]

Intemperate rebuke of the primate to the bishops of England.

The rage and disappointment of the fiery archbishop on the receipt of this remonstrance may even in these days excite some degree of sympathy for the man; with no slight mixture of contempt for the trimming and irresolute spirit of the courtier-prelates of England. They trembled under the rod of the primate; they crouched before the wild temper of the King: with the exception of Roger of York, Foliot of London, and Hilary of Chichester, few of them were willing to put themselves in the front of the battle for their country's laws and liberties, or on the other hand manfully to follow their undaunted leader to the consummation of a warfare which should lay all things in heaven and earth at their feet. The concentrated scorn which the enraged primate poured out upon them cannot be adequately expressed in a mere abstract. "In vain," he said, "you attempt to alarm me with the possible apostasy of your King; for he knows full well that he can neither wage war nor make peace, except at the peril of his soul, but by obe-

[f] John of Oxford, one of the envoys of Henry to the court of Frederic I. in the affair of the marriages.

[g] See the epistle set out at length ap. *Baron*, an. 1167, § 31-34, pp. 289, 290.

dience to God and his church: you taunt me with the benefits conferred upon me by the King, as if they could cancel my duty to God: when I hear such things said, I will spare no one; no, not if he were an angel from heaven; to all such I say, 'Get thee behind me, Satan!' God forbid that I should hold converse or communion with any one who would drag me into the path of the traitor Judas, who sold his Lord. The King, you tell us, was always ready to be reconciled to us; but did he, think you, manifest this conciliating spirit by his inhuman expulsion from their homes of widows and orphans, of old men and children, and sending them forth destitute to the mercy of strangers? But all this escapes your notice; neither say you any thing of the many clergy turned out of their livings, despoiled of their all, beaten, ill-treated, their servants thrown into dungeons; no mention is made of us, your father and pastor, with the sword suspended over his head, and barely escaping the fate of the malefactor: as for you, you stand aloof, you take part with the oppressor; but who is there in heaven or earth that shall pass judgment upon the ordained of God? Were it not the better part to admonish him to honour the priests of the Lord, not weighing what they are, but *whose* they are?[h] Therefore I say to you, tell your master that it is ordained by the King of kings that there be two powers—Princes and Priests; the first carnal, the second spiritual; the one a *ministerial power*, the other *governing and pre-eminent* over all: shall your King decline obeisance to those whom the Highest has thus set up on high?—whom also He calls gods? Shall he presume to sit in judgment upon his judges? Do we not judge angels, how much more then men?[i] Go and look into the history of the church, search the Scriptures, and you will there find the duty of your King towards the anointed ministers of the church, and the limits and uses of his power clearly revealed."[j]

[h] See the Isidorian Decretals, bk. vi. c. 8, pp. 223-5.

[i] 1 Cor. vi. 3.

[j] Then follows the exploded fable of Constantine and the bishops of Nicæa; the whole interspersed with a jumble of quotations and misquotations touching the powers of the priest from the New and Old Testaments. Ap. *Baron.* an. 1167, § 35-42, the letter at length.

The bishops meanwhile had given the Pope to understand, that though disapproving of the statutes of Clarendon and Northampton, as a measure injurious to the liberties of the church, yet the prevalence of crime committed by the clergy had thrown the King back upon the ancient laws and customs of the kingdom for a remedy against the prevailing mischief. Canonical punishments had been found to be unavailing; yet, if the archbishop had abstained from stirring up strife, the King was not disposed to resort to those laws and customs in any but extreme cases, and would willingly have remitted to the church the punishment of all ordinary cases of clerical delinquency; but the "lamentable and alarming" letters of the archbishop, his threats of excommunication, and interdict against King and kingdom, and the actual execution of those menaces against all the King's friends, his ministers and nobles, without citation, without hearing, without trial or consciousness of offence, had closed every avenue to a good understanding; the ties which bound church and state had been violently rent asunder; all legal forms had been set aside; the clergy were disunited and dispersed; and imminent danger incurred of a secession of King and people from the obedience due to the church and the Holy See.[k]

Alexander III., whose every step was calculated upon eventualities, was too sensible of the advantage to be derived from the prowess of so formidable a champion as Becket to be very ready to lend an ear to his adversaries. He had even gone the length of confirming the archbishop's sentences against the King's ministers, more especially John of Oxford, the excommunicated dean of Salisbury. But he soon became aware of the wavering temper of the court and prelacy of England. The archbishop complained to the Pope that the slanders and falsehoods of his enemies had poisoned the ears of the pontiff and the curia; the legates appointed to decide between him and his adversary were his personal enemies; in-

[k] See the letter of the bishops, accompanying their appeal, ap. *Baron.* an. 1167, § 43-47, pp. 273, 274.

deed, the King's emissaries had boasted that they had obtained all they had asked for. The bishops of England, he declared, were in open rebellion against him;[l] all government was at an end; the Pope had extinguished him, and, with him, the entire churches of England and France; for now all princes would affect the like rights and prerogatives, and there would be none remaining to check the tyranny of the worldlings against the church of God and her ministers. As for the legate, William of Pavia, he absolutely declined his jurisdiction; he was his personal enemy, and—as he expressed it in his usual exaggerated style—thirsted for his blood.[m]

The success of the dean of Salisbury at Rome was a bitter disappointment to the moody primate. The English prelacy was wavering, and he had every reason to believe they were preparing to obey his summons to meet him in France. But the arrival of John of Oxford in England changed the aspect of affairs. The papal suspension of all appeals pending the decision of the legates brought with it a temporary respite from the importunities of the archbishop. The King and his friends had escaped the greatest danger they had hitherto been exposed to; for they never doubted, that if the primate had succeeded in collecting a majority of his bishops around him in the territory of an unfriendly sovereign, and under the commanding influence of their persistent and eloquent chief, he must succeed in reëstablishing himself in the country, and disturbing the public peace at his pleasure. John of Oxford, with or without authority, prevented the bishop of Hereford, to whom Becket had intrusted the duty of summoning the bishops, from executing his commission; and absolved them, in the name of the Pope, from their obedience to the primate, pending the decision of the legates.[n] The King was overjoyed at the success of

Self-exculpation of Alex. III.; his policy.

[l] They had declined to obey a summons to attend him at Sens.

[m] The cardinal was suspected of having an eye to the deposition of Becket, and his own exaltation to the see of Canterbury. *Baron.* an. 1167, § 55-58, pp. 298-300.

[n] See the report of cardinal Lombard to the Pope. *Pagi* ad *Baron.* an. 1167, p. 300.

his negotiations with Rome; his adversaries were driven to desperation by the failure of their well-grounded hopes, and were now as little inclined to obey the Pope as Henry himself.[o] Alexander, indeed, vouchsafed to exculpate himself from the charge of putting the name of the cardinal of Pavia in the commission, and explained the nature of the duty intrusted to the legates. This duty he declared to be restricted to the reconciliation of the archbishop and the King, without authority to decide on the merits of the subsisting differences. He declared candidly, that a rupture with the King at this point of time might be highly injurious to the interests of the church, and, consequently, that all well-wishers to the Holy See must concur heartily with him in promoting peace between Henry and the archbishop. Alexander was well aware that he had pushed his support of Becket to the utmost verge of the King's forbearance, but in such wise as to expose himself as little as possible to the reproach of deserting the interests of his client, or of relinquishing one jot or tittle of his demands against the secular government. Beyond doubt, the abrogation of the obnoxious statutes of Clarendon and Northampton was, in his view, a simple question of time and opportunity.[p] For the present he had no other object than to check Becket in the use of his spiritual weapons, till the external dangers by which he (the Pope) was threatened should have passed away; and for that purpose he did not scruple to make use of the man best fitted to arrest the intemperate career of the archbishop, though at that very time he was labouring under the ban of the church.[q]

The archbishop ascribed the success of the dean of Salisbury to the impudent mendacity of the envoy, and the unutterable baseness and corruption of the cardinals and curia of Rome.[r] He admitted that he had been bought and sold by the King; and he proclaimed to the

[o] See the report of John of Salisbury to Becket, ap. *Baron.* an. 1167, § 62, p. 301.

[p] Ep. Alex. III., ap. *Baron.* an. 1167, § 53, p. 302.

[q] It will be remembered that the dean of Salisbury had been long since excommunicated and deposed by Becket.

[r] See the account of the embassy by John of Salisbury to Becket, *Baron.* an. 1167, pp. 267, 303.

world his firm conviction that his death alone would satisfy the vindictive malice of Henry. Yet this conviction led to no abatement of the provocations most likely to mature the deadly purpose in the King's mind. Though there was no personal mischief which, in the sincerity of his hatred, he scrupled to charge upon his enemy, he nevertheless struck into a path which led directly to the consummation he affected to deplore. The Pope, indeed, exerted all his authority to pour oil on the troubled waters. Remembering that at this point of time the mighty hosts of the emperor Frederick I. were pouring across the Alps to accomplish the downfall of the papacy and its allies, Alexander became sensitive to every adverse chance, and recommended to Becket, pending the imminent danger of the church, to adopt that precise measure of "dissimulation" which the present posture of affairs rendered necessary; and to await the proper time and opportunity for bringing back things in England to their original state; for, that hereafter he would have ample occasion of doing by degrees that which it was inexpedient he should attempt at a moment when, by reason of the great poverty of the Holy See, he was driven to the most extraordinary expedients for the means of defending himself and his allies. He recommended to Becket a form of words which, without renouncing altogether the obnoxious saving clause he had hitherto insisted upon, might be less offensive to the King,[s] and bear a more pacific meaning.[t] He reminded him, that the legatine commission of the two cardinals was restricted to the continental dominions of the King; that they had no authority to meddle with his provincial or legatine authority in England; and that, with a view to the service of the Holy See in France, he had proposed to king Louis VII. to appoint him (Becket) to be resident legate of the Pope for that kingdom.[u]

[s] Instead of the words "salvo ordine meo," the Pope proposed the phrase "salva archiepiscopi et ecclesiæ *honestate*."

[t] Ep. *Alex. III.* ad Thom. archiep., an. 1168, § 2, p. 309.

[u] See the letter of recommendation to Louis VII., ap. *Baron.* an. 1168, § 5, p. 310.

Becket disputes the competency of the papal legates.

But no soothing could soften the obduracy of Becket's nature, or check the intemperance of his language. Fretfulness, petulance, vituperation, had become the habitual channels in which all his thoughts and feelings flowed. He met the legates with insult and contempt. The counsels of his more prudent friend John of Salisbury failed to induce him to observe the common forms of courtesy in his dealings with them, or to take a single step towards the accomplishment of the papal scheme of pacification.[v] He protested to the Pope, in the harshest tone, against the appointment of William of Pavia as "one of his judges." "It is unjust," he said, "that he who is known to be intent upon making a merchandise of my blood should be intrusted with such a commission; for it is publicly reported that the King has promised him the see of Canterbury if he succeeds in procuring my deposition."[w] It is, however, plain, from the letters of the Pope and the instructions to the legates, that Becket was in no danger from any intrigue of the nature he apprehended. The commission was not intended to bear the character of a judicial inquiry; it was to be simply mediatorial. Though, in order to be effectual, it was necessary that both sides should be heard, yet no power was given to decide upon the merits of the questions made on either.[x] But the acerbity of the archbishop's temper was at this juncture stimulated by a variety of reports of the nefarious methods resorted to to procure the commission, and of the snares laid for him in the conferences for the proposed pacification. A feud which was at this time raging between Henry and the French king had inspired the latter with the hope of using Becket as an instrument of annoyance to his enemy. But the suspension of the archbishop's powers as against the king of England and his party, had im-

Arts resorted to to thwart the pacification.

[v] See the abstract of the letter, ap. *Baron.* an. 1168, § 9, p. 312.

[w] This may be true; for Henry II. could no more be acquitted of the imputation of vindictive intrigue than his adversary. But see the letter *in extenso*, ap. *Baron.* an. 1168, § 11, p. 312.

[x] These instructions are wrongly dated by *Baronius* 22d August in the year 1168. They appear to have been really issued from Beneventum on the 22d of August 1167. *Pagi*, note to *Baron.* an. 1168, § 14, p. 314, and *Jaffé*, ad an.

peded this project, and driven him to invent or give circulation to the foulest rumours against Henry and his agents. These rumours were so many arrows in the quiver of the archbishop, and were dextrously employed by his friend John of Salisbury at Rome to undermine the King's influence, and draw down a severe rebuke on the heads of the legates; terminating, however, in a simple recommendation to behave with all courtesy to the archbishop, and to use their utmost endeavours to remove from his mind all bitterness of feeling and all jealousies and suspicions that might interfere with the duty they had to perform.[y]

Becket's guiding principle.

The correspondence of Becket at this period enters so intimately into the substance and spirit of our subject, as to call for at least a passing notice. The guiding principle of the archbishop's action was, that the church on earth was strictly and literally a *militant* power, engaged in a constant and irreconcilable warfare with the outer world,[z] with which there could be neither truce nor peace. He looked on earthly princes as the representatives of the outer realm, against whom nothing could be gained but in open warfare. The outer man was the child of sin, the denizen of the kingdom of Satan, from which it could be withdrawn only by the power of the church; and the inference from these premises was, that the duty and policy of the church was comprehended in the single precept, "Resist even unto death the princes of the world, for they are the instruments of Satan, and God will give the victory to his church."

Contrasted management of Alexander III.

There might be no great difference in principle between the archbishop and his chief as to the ultimate relation between the church and the outer world; but pope Alexander III. was wise enough to know that single-handed he was no

[y] *Baron.* an. 1168, § 19, p. 316.

[z] Thus, in a letter to the cardinal-legate William of Pavia, he says: "Sic et magister enim tuus, *princeps apostolorum*, resistendo principibus, non cedendo, sed *dissipando pacem iniquitatis*, sanguine suo nomen meruit in terris, et in cœlis gloriam: sic crevit vigor ecclesiæ cum crederetur extingui." Conf. the false decretals, Book vi. p. 191 of this work.

match for the Satan of Becket and his myrmidons. It was no part of his policy to irritate or defy them needlessly. Like a prudent leader, he concentrated his forces upon the vulnerable points of his adversary, and even *that* with intent rather to take advantage of his mistakes and errors than to meet him in open conflict; unless indeed there was a reasonable prospect, by some sudden and unexpected blow, to infuse a salutary terror, and prepare the way for further encroachment upon the realm of Satan.[a] The advice he gave to the primate of England was in this spirit: "Bear your afflictions," he said, "like a true soldier of the church, with patience and vigilance. Whenever you see danger to the liberties of the church, you are not called upon to compromise them, even in the cause of peace; yet when you can yield *consistently with the honour of your office* and the *interests of the church*, show yourself humble and willing to retrieve the good-will of your earthly sovereign by every outward mark of honour and deference on your part; do not require from him harder terms than are absolutely necessary. You will probably find that if you adopt this course, he will adhere to his pledges, and suffer no one else to molest you."[b]

Failure of the Pope's attempt at pacification.

But Becket could neither forget nor forgive. Relying upon the assurance of the Pope that the powers of the legates extended no further than to promote a pacification, without authority to adjudicate, he declined all terms but those he had primarily insisted upon,[c] and even strengthened them by *adding*, instead of substituting, the saving clause suggested by the pontiff.[d] All he could be prevailed upon to promise was, that after he and his friends should have been restored *in integro* to their estates and possessions, and received compensation for the injury done, he would

[a] Alexander himself was an expert canonist. The decretals were his text-book, as they were that of Becket.

[b] Alexander had a good opinion of Henry's honour; he believed that the *principle* of Becket was right, but that the *modus operandi* was objectionable. See *Baron.* an. 1168, § 22.

[c] The general saving clause, "salvo honore Dei, et salva etiam *honestate* sua, et possessionibus ecclesiæ, et amplius sua et suorum salva justitia."

[d] See the report of the legates to the Pope, ap. *Baron.* an. 1168, § 23 to 25, pp. 318, 319.

obey any instructions he might receive from the Pope as to his future conduct.[e] The legates were speedily convinced that further negotiation would be unavailing, and they adjourned the whole case for the adjudication of the Pope in person, in the mean time commanding the archbishop to abstain from all acts which might bring injury upon king or kingdom, under restraint of the papal mandate and of the pending appeal. The archbishop, in his report of the interview with the pacificators, agrees in all the material points with their account of what passed, but enlarges upon his own personal wrongs as so many crimes against the church and her supreme head. He vauntingly contrasts the demeanour of the enemy of his king and country with that of his own sovereign. Louis VII. had been, he said, the indignant witness of the intrigues, falsehoods, and perjuries by which Henry had gained an ostensible advantage over him; but not only his power, but the cunning of the legates, had been brought to naught; "to all their captious questions he had given the ready reply, that no law of man was of any validity against the law of God or the liberties of His church, and that upon points not touched on in the Pope's instructions he was not bound to give any answer. As to the examples urged upon him of deference to human authority, such instances would be no defence to him on the day of judgment;[f] the law of sinful man must ever be subject to the perfect law of God, even though its ministers be personally liable to the like passions and inheritors of the same fallen nature as the rulers of the world. All who resist the ordinances of the church are the enemies of God, and His vengeance shall surely fall upon them; of a truth there shall be retribution for all the anguish and misery brought upon him and his fellow-soldiers in this holy warfare! Surely they who were athirst for his blood,

[e] Observe that this again was a leaf taken out of the Isidorian forgeries. Conf. *Zephyrini*, Ep. ii., and *Steph.* i. Ep. ii., in Book vi. c. 7, p. 210 of this work.

[f] "Si tyrannorum barbariam præferemus *apostolicis institutis*, et *sæcularium insolentiam* crederemus potius formam esse vivendi, quam *testamentum æternum* confirmatum sanguine et morte Filii Dei," &c., viz. the false decretals and the whole *corpus canonicum* framed upon them!

who had consigned him to poverty, dependence, and degradation, would not go unpunished!"[g]

Failure of the attempt of the king of France to reconcile Henry II. with Becket.

The lively hope the King had entertained of advantage from the legation was dissipated by the inexorable resistance of the archbishop, in no small degree supported by the cunning and intrigues of the French court. By the rupture of the negotiations, the term of the suspension of Becket's excommunications had expired, and he demanded that he should be set at liberty to deal at pleasure with his victims. The legates, however, had provided against this demand by their order of adjournment; but they went a step beyond their powers in directing the English bishops to absolve the excommunicated persons. Becket and his friends relied upon this act as pregnant proof of the partiality of the legates, and their incompetence for the task intrusted to them. The prolongation of the privations and sufferings of the exiles exasperated them and their chief beyond endurance;[h] yet no mark of displeasure with the conduct of his legates throughout the transaction could be drawn from the Pope, no aid, pecuniary or mediatorial, from the curia of Rome.[i] At this point of time the cause of the exiles appeared almost hopeless. The quarrel with France had been accommodated, and king Louis proposed himself as the mediator of a general pacification and settlement. An interview, at Montmirail, between the litigants, in the presence of Louis, was brought about, and the archbishop threw himself at the feet of the King with apparent humility, but again dissipated all hope of concord by interposing the obnoxious "salvo." The wrath of Henry boiled up, and turning to the king of France he said: "Listen, sir, to me; whatever displeases that man he tells me is contrary to the law of God; and by this single

[g] See the document at length, ap. *Baron.* an. 1168, § 26 to 34, pp. 319-322.

[h] *John of Salisbury*, ap. *Baron.* an. 1168, § 44-46.

[i] The Pope, indeed, had directed that the absolution should be conditional upon the restitution of the sequestrated property, &c.; but the legates replied that they could not, while accredited to the King, insist upon the surrender of property which the King himself had conferred upon the holders. A very lame excuse! But it seems to have passed current.

phrase he takes to himself at once all he covets for himself and all that belongs to me. Now hear what I offer him. Whatever (rights, privileges, franchises) the best and strongest among *his* predecessors enjoyed under the weakest of mine, *that* I yield to him and his successors." These terms were unanimously pronounced to be fair and just. "Archbishop," said Louis, "why do you hold back?" Becket replied that "he saw no reason why he should be bound by what his predecessors had done or enjoyed; they had, indeed, done some little to cut away that which was contrary to the law of God: it was his duty thus far to tread in their footsteps and to go forward in the path they had marked out, but not to imitate either their supineness or their excesses." Nothing more was to be gained; and both kings rode away in disappointment and disgust.[j]

The displeasure of the king of France reduced the exiles to the verge of beggary. At the close of the interview at Montmirail (spring of 1169), Becket and his friends knew not which way to turn. The archbishop was so thoroughly disgusted with the lukewarmness of the Pope and the venality of the curia, that he declined all further efforts for relief from that quarter.[k] But a sudden caprice of the French king—or perhaps that ascendency which the strong will exercises over the vacillating consciences of weak men—again restored plenty to the camp of the exiles. Louis condescended to express his deep contrition for his neglect, and his intention to lay the whole kingdom at his feet.[l] The remonstrances of Henry of England against the waywardness of Louis produced a supercilious reply; and the former was once more driven to push his interest with the curia to procure the removal of Becket out of his way, either by deposition or translation to some distant see.[m] The Pope declined both

The legation of Gratian and Vivian; its failure.

[j] *Herbert de Bosham*, ap. *Baron.* 1168, § 67, p. 336.

[k] "God," said he to his companions, "will stand our friend; but sure I am that if we were even thrust out of both kingdoms, no one would advise me to resort for comfort to the *Roman thieves*, whose custom it is to plunder the unfortunate." *Baron.* p. 338.

[l] Probably in reference to the papal proposal to create Becket legate apostolical for France.

[m] He is charged with soliciting the support of the Lombard cities and of

requests, but appointed two legates in the persons of the masters Gratian and Vivian, with discretionary powers to frame a special form of reconciliation, and to insist upon its adoption by both parties within a reasonable time. Meanwhile he exhorted the archbishop to demean himself humbly and courteously to the King; to yield to him to the utmost extent reconcilable with his duty to his order and his respect for his office; and expressly commanding him to abstain in the interim from excommunicating the King, or interdicting the kingdom.[n]

Vivian alone attempts to resume the negotiation.

On the 23d of August 1169 Henry II. held a conference with the new legates at Damfront. After much ineffectual wrangling, the King declared his willingness to permit the archbishop to return to England, in deference to the wishes of the Pope, but that his restoration must be preceded by an unconditional revocation of all the archbishop's excommunications, to be effected by a special commission despatched to England for that purpose. This stipulation was assented to by the legates. When, however, this and other minor articles came to be reduced to writing, the King insisted upon the insertion of the words, "salva dignitate regni sui." This clause excited the violent indignation of Becket and his party: it was, they exclaimed, "subversive of the law of God: it elevated the state to an equality with the church: it saved the noxious 'Constitutions:' it aimed directly at the overthrow of the authority of the Holy See in England."[o] The clause was declared inadmissible by the legates: it was not to be endured that the word of the King should stand upon the same ground with the word of God; or that his rights should be placed on a level with the rights of the church. The legate Gratian, deeming all chance of accommodation at an end, took his departure for Rome, and thus put an end to the negotiation. Vivian, how-

William II. of Sicily to obtain the Pope's consent to his petition.

[n] Ep. Alex. III. ad Thomam archiep. &c. ap. *Baron.* loc. cit. p. 343.

[o] Baronius candidly enough puts the question on its proper ground. The words "salva dignitate regni" were no doubt in the Roman view quite irreconcilable with the words "salvo honore Dei." The identification of God and the church is in that view absolute —admitting of no coördinate power.

ever, had not abandoned all hope, and remained behind. The wrath of Becket overflowed in an angry letter to his friend the archbishop of Sens. The persistency of the remaining legate was a stumbling-block in his path: as long as he remained on the spot, the suspensions would be held to subsist; the communication between Henry and the king of France on the one hand, and with the Pope on the other, was thus kept open; and the archbishop's project of isolating his enemy was overthrown. In his rage and despair, Becket hesitated at no charge of falsehood and treachery against his adversary: he is a liar; a practised cheat; one to whom every artifice of meanness and deception, of prevarication and intrigue, was familiar: he is a poltroon, with whom, if he were at liberty to deal as he desired, he would soon be seen crouching at the feet of the pontiff.[p]

Alexander III. contemplates more rigorous methods.

Since the events of the year 1168, the domestic position of pope Alexander III. had undergone material improvement. The pestilence which destroyed the hosts of the emperor Frederic had relieved him for the time from the most formidable of his enemies. The world trembled at the terrible catastrophe, and believed that the judgment of God was definitively pronounced in favour of His church. The Pope was at liberty to assume a firmer tone. He warned Henry of England against longer holding over vacant sees and abbeys—against lay investitures, and the continued occupation of benefices and estates belonging to the see of Canterbury and the exiled clergy. The bishops were commanded to expel the intruders, and to hold the proceeds in trust for those to whom they might lawfully belong; and if not vacated within forty days, forthwith to excommunicate the delinquents.[q] The failure of the two antecedent legations of pacification suggested the necessity for some stronger measures for putting an end to the vexatious schism in the English

[p] The letters and documents from which these particulars are extracted are faithfully set out in the Annals of *Baronius* for the years 1168 and 1169. We abstain from special quotations, in order to avoid encumbering the page with foot-notes.

[q] Epp. *Alex. III.* ap. *Baron.* an. 1169, § 28, 29, p. 351.

church than he had hitherto ventured upon. Three new legates—Simon prior of Mont-Dieu, Bernard de Grammont, and Engelbert of Val de S. Pierre—were accredited to the court of Henry II., and furnished with a double set of instructions—the first, *monitory*, the second, *minatory*; but with strict injunctions not to resort to the latter until all modes of persuasion should have failed. They were directed to urge the execution of his late orders respecting the filling of the vacant sees, the restoration of the confiscated property, and the abrogation of lay-investitures; and to announce that, unless they were complied with before the first day of the ensuing Lent, the matter would fall under the archbishop's cognisance, and all restriction upon his metropolitan and legatine powers would be withdrawn.[r]

Efforts of the Pope to procure the restoration of Becket.

Archbishop Becket was at a loss how to encounter —or rather to evade—the great moral force brought to bear upon him by the united importunities of the king of France and the concourse of prelates and barons assembled at Montmirail. As a subject and a baron of England he might bow the knee to his temporal sovereign; but that character must be sharply distinguished from his capacity of prince of the church. In this spirit he came into the presence of the King; he bowed the knee with downcast countenance and humble demeanour; he placed himself in the hands of the King, and this he did "to *the honour of God* and the King."[s] The conjunction displeased Henry: in his commonplace view of the matter, he did not see what the honour of God had to do with allegiance to the sovereign, except as far as the ordinary duty of a subject was implied: he naturally enough concluded that the "honour of God" was interposed to control and limit the honour due to the king, and the duties of the subject. Henry, therefore, stoutly insisted that the archbishop should give a pure and simple pledge

[r] We have no clear intimation of the kind of *investitures* intended in these letters. It almost seems as if every kind of lay-patronage was meant. It is singular that in this important monition nothing is said about the *irresponsibility of the clergy* to the lay courts, the *prohibition of appeals* to Rome, the *exclusion of papal bulls*, or any other articles of the obnoxious "Constitutions of Clarendon."

[s] "Ad honorem Dei et regis."

to observe and keep all the customs which his predecessors in the primacy had always acknowledged to be of the ancient right and prerogative of the crown. This concession was, however, persistently declined by Becket. The ingenuity of the legates had been overtaxed in devising a form of words that might leave the main questions open, and lead to an ostensible, if not a permanent, reconciliation.[t] Whatever might become of Becket when reseated on his metropolitan throne, Alexander III. was sensible of the importance of the services of so zealous a champion, if they could but be controlled and directed by the ordinary laws of the pontifical policy. Becket was at all risks to be restored to his see, and the legates thought the time had arrived for putting forward their minatory instructions; but with what effect is not apparent. They, however, put the question categorically: whether the King would permit the archbishop to return to his see; there to enjoy the King's peace? Henry replied that nothing should induce him to permit him to set foot in England except upon a pure and simple engagement to observe and keep those customs which all his predecessors had observed and kept, and which he himself had heretofore promised and sworn to observe.[u]

Becket and his fellow exiles meanwhile bore the suspension of their powers of injuring their adversary with extreme impatience. The Pope excused himself for his apparent desertion in the best way he could. The state of the war against Frederic I. was his ever-ready plea for abstaining from measures which must end in an irrevocable breach with the powerful and irritable king of England.[v] The legation of Simon, Bernard,

The Pope takes the management of the controversy into his own hands.

[t] The documents relating to the controversy leave the most perfect conviction behind, that a final settlement of the relations between the temporal and the spiritual powers did not enter into the contemplation of either party—certainly not of the Pope or his ministers.

[u] See the report of the legates Simon and Bernard to Alexander III., ap. *Baron.* an. 1169, § 32, p. 352.

[v] Ep. *Alex. III.* ad Thom. archiep., ap. *Baronium*, an. 1169, § 38, p. 354. The Pope complains of the straits into which he was thrown by the importunities and menaces of Henry's envoys in Rome, and expresses his vivid apprehensions that the King would secede from his allegiance to himself, and throw himself into the arms of that "execrable tyrant and enemy of the church," the emperor Frederic.

and Engelbert had, it seems, come to an untimely end, and the Pope resorted to a somewhat different mode of management. In the beginning of the year 1170 he appointed the archbishops of Rouen[w] and Sens, with the bishop of Nevers, his commissioners, to negotiate directly with king Henry on his (the Pope's) part, for the restoration of Becket, the abolition of the obnoxious customs, and other matters in controversy between the King and the Holy See; with instructions that, if within forty days of the 22d of February of the current year (1170), they should come to no settlement, they should be at liberty to lay the continental territories of the king of England under the interdict.[x] Meanwhile, it is obvious that the powers of the archbishop were to continue in suspension. More than this—Gilbert Foliot bishop of London, and Godfrey Ridel, Becket's most formidable adversaries, had, in the mean time, journeyed to Rome, and procured for themselves a plenary absolution from the censures of the primate.[y] The wrath of the archbishop arose almost to phrensy;[z] and the wanton act of Henry in causing his son to be crowned at Westminster by the archbishop of York, in violation of the immemorial right of the see of Canterbury, drew upon him the deserved censure of all who respected the order and discipline of the church, and the customary privileges of the episcopacy.

Terms of reconciliation agreed upon between the Pope and the King.

But pope Alexander III. had at length hit upon the right mode of dealing with both litigants, without sacrificing the interests of the Holy See in the dispute. He comforted Becket with the assurance that the wrongful act of Henry to the prejudice of the rights of his church should not be drawn into precedent. Instructed by the failure of three well-meant attempts to work out

[w] A well-known royalist.

[x] The instructions are dated from Beneventum, 19th January 1170.

[y] At least so it was reported and believed by Becket's party; though, on the other hand, it is described as in no respect differing from that conditional absolution which was to depend upon the issue of the pending negotiations.

[z] "Nescio quo pacto," he writes, "pars Domini semper ita tractatur *in curia*, ut *Barabbas evadat*, et Christus occidatur. Auctoritate *curiæ* jam ad finem sexti anni proscriptio nostra et ecclesiæ calamitas protracta est, &c."

Becket's restoration by mediation or negotiation, he restricted his commissioners to the single duty of procuring the King's consent to his return to England, and the restitution of the estates of his church, without hampering either party by conditions which he well knew neither would voluntarily consent to; or, if they did consent at all, were ever likely to abide by. The King, it may be easily conceived, was tired of the endless squabbles in which the course hitherto pursued had involved him, and was willing to try the hazardous experiment of an unconditional restitution. Becket, whose mind was by this time made up to conquer or die, could have no objection to a scheme leaving all points in dispute in the state of open questions. The result of the direct correspondence of Alexander with the King was satisfactory to both parties.[a] A formula was agreed on, which provided for the restoration of the archbishop without any special stipulations on either part;[b] and the bishop of Nevers intimated to Becket the Pope's commands to accept and to act upon the terms agreed on between himself and the King, in conformity with the apostolic letters to that effect lately received by the commissioners.

Mutual dispositions of Becket and the King.

While this matter was still undecided between the Pope and the King, Becket had already issued to the English bishops provisional letters of interdict, to be published within fifteen days of the expiration of the term of suspension; and in the mean time had spared no pains to prevent any understanding between the King and the commissioners. He exhorted them not to suffer themselves to be deceived by any of those exquisite artifices which the King was in the habit of resorting to, whenever he had a point to gain: "distrust," said he, "every word he utters; suspect a lie in every form of speech, in every gesture; insist upon strict performance as the only test of his truth: for if he find

[a] See the letter of the King to the Pope, ap. *Baron.* an. 1170, § 20, p. 369.

[b] The description of the "formula" in the King's letter is so vague as to lead to the conclusion in the text. We find no further explanation of its contents in any of the contemporary documents. Becket never alludes to them.

out that you may be overreached by promises or deterred by threats, all your command over him will be lost, and you will become a laughing-stock to him and his minions. But if he finds that you cannot be deceived or diverted from your purpose, he will feign fury; he will rave and swear loud oaths; he will change about like another Proteus; and after all, suddenly recover his temper: unless by your own faults you fail, you will then be as a god to Pharaoh."[c] It might not, perhaps, have been known to Becket, when he sketched out this charitable estimate of the King's character, that Henry had already accepted the terms prescribed by the Pope. The commissioners, there is reason to believe, had no other duty to perform than to convey the result to the ear of the parties concerned. Henry might, no doubt, be the knave his adversary described; yet Becket could hardly complain that his enemy should regard him as a ruffian who consented to sheathe the dagger for the moment, to gain a position in which he might use it with more deadly effect. He was in fact prepared to deal with the King as an outlaw from all moral restraints, and himself to act upon the principle of his advice to the legates. Can it be a matter of surprise that a bloody tragedy should be the result of such dispositions on both sides?

Interview between the King and the archbishop.

The archbishop, when he learnt the terms agreed upon, exulted in the absence of all conditions, as a signal triumph to his cause, and a pregnant proof of the baseness of Henry's nature. "Not a word," said he, "did he dare to utter about the 'customs' he had heretofore so pertinaciously insisted on; no oath hath he demanded from any one of us; all our possessions he hath unconditionally restored to us; he hath promised us the kiss of peace: said I not that the fear of the interdict, the dread of excommunication and of the suspension of his bishops, would bring him to his senses?"[d] Henry, it may be presumed, was equally glad to be relieved from the necessity of again discussing the vexatious topics which had hitherto only tended

[c] *Baron.* ubi sup.

[d] See the letters to the legates and the Pope, ap. *Baron.* § 22, et sqq. p. 370.

to aggravate the quarrel. The hands of both were thus set free for a fair fight upon English ground; the pacification, in fact, amounted to little more than a shifting of the scene of action. The first interview, which took place at Fretville, near Tours, passed off smoothly enough. The King exerted all his powers of self-command to impress the bystanders, more especially the king of France, his court, and the prelates there present, with the cordiality of the reconciliation; and such was his success that, as Becket himself informs us, "many persons were moved even to tears by these touching proofs of revived confidence and affection." The private exhortations of the archbishop might not have been quite so palatable to the haughty and sensitive prince. Becket thought fit to treat the King as a conscious sinner who had at length struck into the path of repentance. "I besought him," thus he wrote to the Pope, "to turn to the Lord with all his heart; to make good all the injuries he had done to the church; to bring forth fruits meet for repentance; to purge his conscience, and redeem his good name among Christians; though, I observed to him, these delinquencies might rather be ascribed to evil counsellors than to his own depraved will, yet *that* circumstance did not discharge him from the duty of providing ample amends for what had been done amiss; and, more especially, for the infraction of the rights of the see of Canterbury in the matter of the late coronation." Henry, he said, listened respectfully to these admonitions; he promised every thing: restitution, amends, and special satisfaction for the offence he had committed against the rights of the primate—all complaints should be redressed; for the present only let the archbishop abstain from demanding the *kiss of peace*, in regard for the oath he had taken against that last act of reconciliation: it should be performed for him by his son: his conscience would then be clear, and the advantage to the primate would be the same.[e] All the remonstrances of

[e] In that age the kiss of peace was a sacred pledge of the mutual good-will of all who gave and received it. The kiss was usually, if not uniformly, exchanged during mass by clergy and people reciprocally. The words "Pax

Becket were unavailing to persuade the King to give this public pledge of his sincerity. Yet he thought it might be obtained by surprise. At a private mass performed before the King, after the ceremony of kissing the Gospels, the archbishop with the rest, and as an ordinary part of the ritual, presented himself to the King to give and receive the holy kiss. Henry, whose presence of mind rarely deserted him, evaded the compliment, and the archbishop's cunning was foiled for the nonce.[f]

Disposition of the parties.

A superficial consideration of the facts and letters of the actors in this revolting drama suffices to convince us that the material elements of strife survived this ostensible reconciliation in all their original malignity. The spirit of Becket revelled in the prospect of future triumphs. He was supported in his fanatical resolution by the companions of his exile, who shared with him in ample measure his abhorrence of the tyrant under whose heavy hand they had suffered manifold privations and disgraces for a period of nearly six years. Their exile was in fact in a great measure imputable to the initiatory act of their chief; but the mean and cowardly persecution by which Henry strove to crush the spirit of the rebellion now recoiled upon himself. He was compelled to assume another character; to bear with resignation the taunts of his adversaries, and to feign a placidity foreign from the natural impetuosity of his temper. When Becket should be once more firmly settled on his metropolitan throne, armed with the legatine powers, and in unimpeded communication with the Holy See, Henry might have convinced himself that he could no longer keep pope Alexander in check as he had hitherto done. The pontiff, he could not but know, was as firmly bent upon the abrogation of the statutes of Clarendon and Northampton as Becket himself.[g] It had

vobiscum," or the ceremony of kissing the Gospels, were the ordinary signals for the giving and receiving the "osculum pacis."

[f] *Fitzsteph.* Vit. S. Thom., ed. Giles, tom. i. p. 279.

[g] Vide the letter of Alexander III. to the archbishop of York and the bishop of Durham on the Constitutions of Clarendon and Northampton, ap. *Baron.* an. 1170, § 13-15, pp. 336, 337.

not been hitherto from any want of zeal in support of the archbishop that he had forborne from the extreme measures recommended by the latter; but that he feared a widening of the schism if he drove the king of England into the arms of his great adversary. But, as an earnest of his future intentions, he took care to inform the primate that he had suspended the archbishop of York, the bishops of London, Salisbury, and other prelates who had shared in the unjustifiable proceedings of the coronation of prince Henry;[h] and soon afterwards he removed all restrictions upon Becket's powers of excommunication and interdict, excepting from them only the persons of the king, the queen, and the royal family.[i]

Becket's prospects and designs.

The determination of Alexander III. to extend a much greater measure of support than he had hitherto done to the efforts of Becket to procure the abrogation of the Constitutions of Clarendon, may be gathered from the fact that the mandates just referred to were issued *before* he received advice of the formal reconciliation between the primate and the King.[j] The danger of widening the schism had not indeed passed away; but events in Italy had in a great degree relieved the pressure which weighed on the energies of the curia. Yet no man knew better than Becket, that to entitle himself to the substantial support of the venal ministers and agents of the pontiff, he must be in a position to give rather than to ask—to be a lender or a spender rather than a beggar or a borrower. During the whole period of his exile scarcely any reflection had been fraught with greater bitterness than the sense of impotence arising from his impoverished and dependent condition. Now, however, this state of things was to cease; his hands were unbound; he was once more a prince of the church; an

[h] The bull of suspension is dated from Ferentino, the 16th Sept. 1170, in an epistle to the archbishop of York and the bishops of London and Salisbury. *Baron.* an. 1170, § 31, p. 372. Besides the offence of infringing the prerogative of the archbishop of Canterbury, the Pope specially alleges the further misdemeanour on that occasion of omitting from the coronation-oath of the young king the clause for the maintenance of the *liberties of the church*; consequently saving the "nefarious Constitutions," &c.

[i] See the letters of the 13th Oct. 1170, ap. *Baron.* an. 1170, § 33, p. 373.

[j] It appears that the Pope did not hear of the pacification till some time in Nov. 1170.

important limb of the imperishable body which was destined to subject all things to itself. The relief was too exquisite, the triumph too cheering, to leave room for a thought to personal consequences; or, if such a thought should obtrude itself—and there are many indications in his writings that it *had* occurred to him—the crown of martyrdom floated before his enthusiastic vision; a glorious victory over the powers of darkness, a magnificent offering to lay at the feet of the church he had served and fought for with unexampled devotion and courage. Such, we do not doubt, were the reflections with which he hurried to encounter new dangers—new complications and difficulties, of which he proposed to be himself the originator and manager. Death had no longer any terrors for him; he had won the day; and now, whether as victor or as martyr, his star must shine afar amid the holy galaxy which decorated the firmament of his church.

Becket returns to England.

Neither the archbishop nor his friends believed that Henry would keep faith with them. With this impression he hastened to present himself to the King at Tours. His reception was marked by a coolness which contrasted suspiciously with the cordiality of the meeting at Fretville. Becket again pressed for the sacred pledge of friendship, the kiss of peace: Henry evaded the request by the former excuse of his oath; and to avoid a repetition of the prior attempt to obtain it by surprise, had mass performed before him in private. The sincerity of the King was further put to the test by a petition from the archbishop for an immediate order for the liberation of the estates of the see from the hands of the sequestrators and occupants.[k] This request he evaded by alleging that the operation could not be carried into execution till his own return to England. Notwithstanding these sinister tokens, and the unanimous conviction of friends and well-wishers that "he had no-

[k] In *Gilbert Foliot's* letters, *Rymer*, Fœdera, i. 26, it is affirmed that Henry despatched a letter from Chinon, in Touraine, to his son, to reinstate the archbishop and all his companions in possession of their property, as they had possessed it three months before the archbishop's evasion. If so, the order was certainly not acted upon.

thing to expect in that country but chains and dungeons and treasons," he replied to their remonstrances, that "even if he were torn limb from limb, he would not desist from his journey thither: neither fear nor force should move him to prolong his exile: it was sufficient that the Lord's flock had mourned the absence of their pastor for six long years." After taking a ceremonious leave of his protector the French king, he hurried to the port of Whitsand in Flanders, and from thence, as the first instalment of his great debt due to him from the king's episcopal friends in England, he despatched legatine letters of suspension against all the bishops of the royal party; in particular Roger archbishop of York, Gilbert of London, and Jocelyn of Salisbury. It must be said, on behalf of the archbishop, that he never left any one in doubt as to his ultimate intentions. The young king Henry, upon whom the task had devolved of taking an inquest and account of the forfeited estates of the see of Canterbury, had either neglected the necessary steps to that end, or the occupants had found means of thwarting the inquiry. Becket received intimation of these difficulties before his embarcation. The King, however, sent John of Oxford dean of Salisbury, a declared adversary of the primate,[l] to protect his landing. Though bitterly distasteful to the primate, the precaution was not unnecessary: Becket set foot on English ground at Sandwich on the 1st of December 1170, and there, or at a short distance from the port, he encountered the sheriff of Kent with the *posse comitatus* of the county; and would probably have fared badly, if that officer had not recognised the dean of Salisbury among his suite. The sheriff informed him that it was believed he had come to bring fire and sword upon the land—that he intended to uncrown the King, as he had already dethroned the archbishop of York,[m] and excommunicated all the bishops. After a short altercation, the archbishop was allowed to proceed on his road to Canterbury, where he was received with a hearty welcome by the clergy and inhabitants of

[l] He had been excommunicated by Becket.

[m] *William Fitzstephen*, Vit. S. Thom. ed. Giles, tom. i. p. 282.

the city. He hastened to give notice to the Pope of his arrival in England; and after a sojourn of eight days he proceeded to London; but on reaching Southwark, he received a peremptory order from the young king to betake himself back to Canterbury. Here he was exposed to insults and robberies from Ranulph de Broc, the principal sequestrator of the estates of his see, and other grantees of the crown. By this time, indeed, the archbishop had learnt the ground he stood upon in England. Death or a second and more hopeless exile was to be his fate. But his choice was made; and he awaited the blow in sullen patience.

Insane anger of Henry II., and murder of Becket.

The mind of king Henry had been all along pitiably tortured, on the one hand by his sense of the royal dignity and duty, and on the other by the inadmissible demands of the inexorable churchman. Common sense and passion pointed to the single inference, that a sovereign priest and a sovereign prince could not share one throne—that the subject could not serve two masters—that he must yield his kingdom to the priest, or the priest subordinate his powers to the prince. Becket and his master the Pope had left him no alternative but surrender: the attempt to play them off against each other had ended in signal defeat; his expedients of king-craft were exhausted; and the mortifying sense of impotence to arrest the hurricane career of his adversary engendered a craving for relief, which for the moment set every suggestion of forethought or prudence at defiance. Strict adherence to his engagements with the archbishop and the Holy See wore the air of suicide: his last refuge lay in procrastination—the ordinary asylum of princes against the impracticable demands of Rome; certainly the orders transmitted to England touching the restitution of the sequestrated estates and the filling of the vacant sees were not of a nature to expedite the redelivery. In the interim the archbishop of York and the bishops of London and Salisbury had hastened to the King in Normandy, and poured their complaints in no measured language into his too ready ear. Overpowered by passion, the secret wish of

his heart burst from his lips.[n] That he earnestly desired to be rid of his enemy does not admit of a doubt; yet it is equally certain that the deadly purpose had no place in his thoughts. But the words had gone forth, and there were wretches about his person only too ready to put their own interpretation upon them. The murderers hurried across the Channel, and before the King's messengers of recall could overtake them, consummated their bloody purpose.

The particulars of this dismal deed are too well known to English readers, and enter too remotely into the subject of this work, to require repetition. The death or martyrdom of archbishop Becket —and in one sense it deserves that name--served the purpose of the Holy See far better than a prolongation of his restless life. Henry II. could hardly shake off all participation in the murder; and if by any anodyne he could have quieted his own conscience, the Pope determined that, as long as his ear should be open to the thunders of the Lateran, he should have no peace till he had extracted a personal renunciation of the "detestable" Constitutions of Clarendon and Northampton, if he could not strike them out of the statute-book of England. Henry learnt with dismay the accusations of complicity with the murderers which assailed him from all quarters. The assassins, it was said, had been despatched by him to rid him of his antagonist at a blow; he was the prime mover of the dreadful deed; he had taken no step to punish the criminals; he was prepared to profit by a crime which had been heard with a shudder throughout Christendom. Remorse of conscience might have less to do with the state of mind produced by these imputations, than the knowledge that the foul deed had so

Henry's exculpation to the Pope.

[n] The words he uttered are so differently reported, that we hesitate to repeat them. No doubt they were sufficiently clear to the auditors to lead the ruffians who heard them to believe that they would do an acceptable service to their sovereign by ridding him of his enemy. See *Edw. Grim.* Vit. S. Thom. ubi sup. tom. i. p. 68. *Roger. de Pontiniac.* Vit. &c. ibid. p. 161. *Fitzsteph.* Vit. &c. ibid. p. 290, who insinuates that the archbishop of York had not obscurely hinted at a like expedient. The report of *William of Canterbury* (ibid. tom. ii. pp. 30, 31) is not very intelligible. The *anonymous Lambeth biography* (ibid. p. 116) does not give the words used by the King.

intimidated his own friends that no support could be expected from them in a continued resistance to the papal commands; in short, that Becket had purchased with his blood a signal victory over the law of the land. For three entire days and nights the King shut himself up in solitude at Argenton, without meat or drink. During all that time he was heard loudly bewailing the horrible crime committed in his name; and at the close of his penance he sent envoys to the Pope to purge himself of the foul suspicion. Alexander refused to intermit the propitiatory fasts he had ordained, in order to give audience to the envoys. He threatened an immediate interdict upon all the King's dominions, and a personal excommunication and anathema, to extend to all who had partaken in the persecution of the late archbishop and resistance to the pontifical mandates in defence of the "execrable" Constitutions. Mediators, however, were always to be found, for a proper consideration, at the papal court. Certain cardinals were cautiously sounded, and found not inaccessible to the arguments with which the envoys were, as usual, abundantly supplied.[o] Thus introduced, the Pope permitted himself to be propitiated. The King's commissioners swore to the innocence of their master, and engaged, on his behalf, that he should thereafter do the like personally, and in all other matters implicitly place himself in the hands of the pontiff. Alexander graciously accepted the unconditional surrender, and announced his intention to despatch two cardinals—Albert of St. Laurence in Lucina, and Theodinus of St. Vestina—to the King in Normandy, to inquire into all the facts of the case, and to substantiate the King's exculpation on the spot.[p]

Henry II. submits to the Pope.

Until the arrival of the legates, Henry had diverted his chagrin by active interference in the affairs of Ireland. The archbishop of York and the bishops of London and Salisbury had obtained plenary absolution, through the influence of the arch-

[o] "Vix tandem quingentis marcis interpositis." *Gervas.* Cantuar. Chron., as quoted by *Pauli*, Gesch. v. Engl. iii. p. 91.

[p] Vit. Alex. III. ap. *Murat.* iii. p. 462.

bishop of Rouen and other French prelates, subject to the humiliating ceremony of purging themselves of participation in a crime—of which the two latter at least were never even suspected—and a positive renunciation, for themselves and their officers and dependents, of all obligations connected with the vicious "consuetudines."[q] When informed of the arrival of the legates, the King returned in all haste to Normandy, and presented himself "humbly and reverently" to the cardinals at Caen, accompanied by a brilliant court.[r] It was there definitively agreed that Henry the younger and his consort, Margaret of France, should be recrowned. The prince and princess were forthwith shipped off to England, and crowned at Winchester by Rotrud, archbishop of Rouen, in the presence of the King and of many English and French prelates. Thus the stigma of illegality was solemnly stamped upon the most notorious of the acts of Henry II. in derogation of the rights of the martyred archbishop. But the King's mind was now duly prepared for any amount of humiliation the pontiff might think fit to exact, and Becket's prediction of the moral poltroonery of the King's nature was in a great degree borne out, though at the expense of his own blood. It is obvious that his late self-purgation had not removed the load from the king's spirits.

Towards the end of the month of October the King returned to France; and on Wednesday, the 27th of that month, he appeared before the legates in the church of Avranches. Laying his hands on the gospels, he swore that he had neither imagined, known of, nor in any way caused the death of the archbishop; that when that crime

Triumph of the papacy. Abrogation of the statutes of Clarendon, &c.

[q] They were required to swear "quod *pravas illas consuetudines* nec juramento nec fide data seu scripto firmaverint, nec regem provocaverint propter quod Thomas archiep. Cantuar. occisus fuerit; neque literas quibus, ne filio regis coronam imponeret, præcipiebatur, receperint;" though it was notorious that they all were either active participators in, or fully cognisant of all these transactions. Ep. Alex. III. ap. *S. Thomæ* Epp. ed. Giles, tom. ii. p. 65. As to the absolution of the archbishop of York, somewhat severer precautions were taken. See Ep. *Alex. III.* ad Rothom. Archiep.; ibid. p. 67. And see *Jaffé*, p. 738.

[r] An earlier interview seems to have taken place at Savigny, in Touraine. The meeting at Caen occurred on the 25th May 1172; therefore seventeen months after the murder of the archbishop.

came to his knowledge, he mourned as for the loss of a dear son; yet he confessed that words uttered in his inexcusable anger against that holy man might possibly have led to his death; for which cause, and because he might thus seem to have participated in the great offence, he agreed by way of penance to send without delay 200 men-at-arms to Jerusalem, and to support them in the holy war for one whole year, or to pay such a sum in money as would be an equivalent for their maintenance for that period; and he promised that within three years he would take the cross in person, unless released by the Holy See; *that he would wholly abrogate the vicious customs, more particularly the Constitutions of Clarendon and Northampton, which he had lately introduced,* and *would forbid their observance for the future;* that he would *freely permit appeals to the Holy See,* and lay no obstacle in the way of all persons communicating directly with the Pope; further, he and his son Henry the younger swore that *they would hold, preserve, and keep the crown of England* faithful to pope Alexander and his successors, and that they and their successors would not regard themselves as true kings until they (the Pope and his successors) should have acknowledged them as such.[s] Moreover, he asked forgiveness for the wrath and ill-will he had manifested to all, be they clerks or laymen, who had borne the archbishop company in his exile, and gave them free leave to return in peace to their homes; he engaged to restore *in integro* to the see of Canterbury all possessions and property belonging to it which might have been alienated in

[s] See the oath textually reported in *Vit. Alex. III.* ap. *Murat.* iii. p. 463. Conf. *Rog. Hoveden.* ap. *Savile*, p. 529. We think this writer puts the right construction upon the clause (undoubtedly much more strongly worded in the *Vita Alex.* just quoted): "quod a domino Alexandro papa . . . *recipiemus et tenebimus regnum Angliæ*, et nos, et nostri successores in perpetuum non reputabimus nos Angliæ reges veros, donec ipsi nos catholicos reges tenuerint." The oath, as reported by *Hoveden*, varies in several particulars. To the clause in favour of appeals he adds the qualification, "in ecclesiasticis causis, ita tamen ut si ei suspecti fuerint aliqui (among the appellants) securitatem faciant quod malum suum (regis) vel regni sui non quærant." The clause of the oath relating to the connexion of the crown and kingdom with the Holy See is very different from that of the *Vita Alex. III.* It runs thus: "Juravit inprimis quod ab Alexandro summo pontifice et catholicis successoribus ejus non recederet, quamdiu ipsum sicut regem catholicum habuerint." The oath as in the text holds a mean between the two reports.

his time, in the same condition as they were one year before the departure of the late archbishop from the kingdom: all which things *bonâ fide* and without evil device to do and perform he solemnly swore, both for himself and his son; in testimony of which he delivered a formal deed to the legates, sealed with his seal, and attested by the attendants of the court.[t] The personal triumph over the headstrong King was as complete as could be desired. The victory over the law of the land remained still, and for many ages to come, at least undecided.[u]

[t] *Rog. Hoved.* ubi sup. p. 529. It is certainly possible that the document thus delivered was that from which the anonymous writer of the Vit. Alex. III., ubi sup., copied. There is, however, in the paragraph quoted in the above note an apparent attempt to back up the pretensions of the Holy See to the suzerainty of England. See Book x. c. vi. p. 321, note (r) of this work. The events of the reign of king John may throw some light upon the construction of this document.

[u] We have not thought it necessary to quote the authorities for the purely political events of the conflict between Becket and Henry II. They have been too well sifted by previous historians, and are too well known to the English reader, to require authentication. But all the authorities, with few exceptions, which connect the history with the advances of the papacy have been perused and quoted at foot.

CHAPTER VIII.

SUCCESSORS OF ALEXANDER III. FIVE PONTIFICATES.

The *liberties* of the church—Character of the struggle between church and state—Pontifical exposition of the liberties of the church—to be sought in the canon law and its expositors—Operation of the so-called "liberties of the church" upon the welfare of the people—Matters to be elucidated—1. Operation of these "liberties" upon governments—Italy before Charlemagne—Italy, Spain, and France, after Charlemagne—Severance of church and state; its results—Basis of the feudal union—Basis of the ecclesiastical union—Antagonism of the two principles favourable to general liberty—2. Operation of the "liberties of the church" upon the well-being of the commonalty; the "Treuga Dei"—The church and the crusades—Effect of the crusades on the interests of peace and social order—Period comprised in this chapter—Government of Alexander III.—The five pontificates—Lucius III. pope—Pacification of Italy—Lucius III. and the emperor Frederic—Disputed election in the see of Trevers—Policy of the Emperor in his dealings with Lucius III.—Death of Lucius III. and election of Urban III.—Papal demands—Hostility of pope Urban—Great diet in Germany—Pontifical assault upon lay-patronage, &c.—Urban III. threatens to excommunicate the Emperor—Declaration of pontifical prerogative: Godfrey of Viterbo—Capture of Jerusalem, and death of Urban III.—Gregory VIII. pope—his death, and election of Clement III.—Negotiations with the Romans—Treaty and restoration of Clement III.—his pontificate and death—Election of Cœlestine III.—Crusade and death of the emperor Frederic I.—Marriage of Constantia of Sicily with Henry VI.—Tancred king of Sicily—Coronation of Henry VI.—he invades Southern Italy—his retreat—Liberation of queen Constantia: death of Tancred—Conquest of Sicily, &c. by Henry VI.—The Crusades; their advantage to the papal power—The spirit of the crusade—Spiritual privileges granted to the crusaders—Levy of the Saladdin tithe—Protest of Peter of Blois—Impediments to the projected crusade—The Germans in the crusade—Failure of the crusade—and captivity of Richard I. of England—Relations of the English and Scottish churches to the papacy—Dissensions in Scotland—Triumph of sacerdotal influence in England—King Richard I. and bishop Hugh of Lincoln—Refusal of the English clergy to contribute to the holy war—Expulsion of the regent-legate, William of Ely—The bishop of Ely excommunicates his enemies—Absolution of the English delinquents—Pope Cœlestine III. in the divorce of Philip of France—Death of pope Cœlestine III.—Conclusion of Book xii.

The *liberties* of the church.

By this time we are pretty well enlightened as to what, in the mouth of the Roman pontiff, was meant by the "liberties of the church," and the "divine law" as contrasted with human law, as it concerned the economy, legal and social, of the whole human

family which acknowledged the religious superintendence of the Roman hierarch. The divine law appealed to, we find to have been a confused aggregation of ordinances, resting, for the most part, on the authority of the grossest deception that had ever been imposed upon human ignorance and credulity. Within three centuries from its first publication this scheme had supplanted all independent church legislation, and transferred to the Roman pontiff most of the powers and attributes that had before then been thought to belong to the church-catholic. In reliance upon the dicta of the Isidorian decretals, human laws, when obstructive of the fullest operation of the decretal principles, had not only been declared inoperative, but pronounced to be essentially tainted with that carnal depravity which attached to all human ordinances. On the other hand, the canon law was described as a divine code; designed to correct, control, and sanctify every rule of action, be it what it might, deriving its source from the root of original sin,—the inborn corruption of human nature,—in order to bring it into conformity with the divine law; in other words, with the canon law of Rome as unfolded in the forgeries in question, and in the collections of the servile copyists who had undertaken to bring them into some kind of loose coherence with the series of statutes and ordinances originating in those periods in which the church still retained some capacity of self-legislation. General councils, or such as the Latin patriarchs chose so to designate, had become, in fact, no more than great courts for the purpose of registering the pontifical decrees, and securing the uniform concurrence of the whole body of the clergy for their execution. Since the age of Charlemagne none of these assemblies deserved even the nominal character of universality. Many churches were not summoned at all; and it is probable that, for one reason or other, scarcely a third of those that had received notice ever attended.[a] In all these assemblies the canon law of Rome was the ruling code. No notice was taken

[a] The last great council, which appears to have been most numerously attended, was that of Frankfort, in the year 794 (see Book v. c. iv. p. 495 of

Character of the struggle between church and state.

of state-law; that law was as a thing having no place or station in the presence of the "divine law" and its ministers; and when it is considered that the duty of exposition was exclusively reserved to the church,—or, more properly, the bishop of Rome and his council,—and that any attempt on the part of the laity or body politic to gainsay or vary that interpretation subjected the offenders to utter condemnation, the whole area of sacerdotal ambition lies mapped out before us, and the POLITICAL *history of the papacy* resolves itself into that of the struggle between the two great powers, church and state, for the government of the world.[b] Disguise it as we may, the contest was, after all, of a purely secular nature. The first and most hotly contested point was, the emancipation of the persons and property of the clergy from every external influence which could cripple their exertions for the establishment, within the state, of an organised power capable of so modelling and controlling the whole body politic as to convert it into a convenient instrument of sacerdotal dominion.[c]

Pontifical exposition of the liberties of the church,

We may in this place advert to what, in conformity with this general design, was really understood in the theological schools of the age by the term *libertates ecclesiæ*. But for this purpose we must carry the reader back to the age in which we have the first glimmerings of a *Christian priesthood* identifying itself with that of the Levitical dispensation. When that assimilation was accomplished, we find the corporate body of the church to have con-

this work). But this council is not numbered among the œcumenical councils of the Latin church.

[b] To those who may be inclined to question this proposition, we recommend the perusal of the remarkable letter of Alexander III. to the archbishop of York and the bishop of Durham, ap. *Baron.* an. 1170, pp. 366, 367, already noticed; and generally, to the letters of archbishop *Becket*, in which the impotence of human law in opposition to the canons is broadly maintained.

[c] From the age of Gregory VII. (see Book x. c. vi. pp. 312-316 of this work) the Roman pontiffs had never scrupled to proclaim the supremacy of the spiritual over the secular state. They desired, however, to bring the spiritual and religious character of the scheme so prominently forward, that the world should not at once take in or comprehend the ultimate object; and thereby to obviate that inconvenient resistance which might arise from too manifest and violent an inroad upon the rights of sovereigns or the laws and customs of the people, before the latter should have been properly prepared and schooled.

sisted of bishops, priests, deacons, *and people*. Gradually, however, the last of these elements disappeared from the constituency, and before the expiration of the seventh century, the great corporation of the church was supposed to consist exclusively of the priesthood and the aggregate of their associates and helpers. Two sacred metaphors, the sun and the moon, as the "greater and the lesser light,"—the "good shepherd and his flock,"—gave a character to the status and functions of the clergy, highly acceptable to the ignorant docility and piety of the masses. Men were prepared to behold in the church the "greater light which ruled the day," and to accept their spiritual directors in the literal capacity of shepherds, to lead them into such pastures as to them might appear best fitted to feed—or to starve—the flock into proper habits of submission to their pastors. The latter meanwhile took care that no distinction should be taken between the spiritual function and the temporal position of the body by which it was exercised. They desired it to be fully understood that they and their endowments, wealth, influence, and laws, taken together, constituted the one visible church. But towards the ninth century, it was discovered that something was wanting to the full authentication of the commission of the shepherds themselves, as derived from the great masters of the flock. The pedigree was incomplete; and the more daring spirits among them undertook to supply the missing links. For many a century the so-called Isidorian decretals not only answered this purpose with wonderful success, but furnished a storehouse of precepts for enlarging the powers and elevating the condition of the clergy. These precepts, and the pregnant commentaries, practical and theoretical, from time to time promulgated without contradiction from the outer world, constituted now the so-called "liberties of the church." These liberties in fact comprehended any thing and every thing that emanated from the great body of the priesthood, at the suggestion and under the authority of their patriarchal chief. The liberties of the church were but another name for the extreme

principles of the Roman canon law in their practical application.[d]

to be sought in the canon law and its exposition.

The list of these liberties is therefore to be sought in the works and compilations of the canonists, more especially in that endless hotch-potch of forgery, misquotation, and confusion called the "Decretum" of Gratian;[e] the cumulate reproduction of the errors, ignorances, and frauds of all the preceding collectors. In all these digests—if they deserve the name—there is a single clear and demonstrable drift, viz. the exaltation of sacerdotal power and dignity to a station as far above all human laws and institutions as heaven is above earth—as Christ is above the world. Consequently any application of human law affecting the persons, the civil and social conduct, or, which was the same thing, the property of the clergy, was a substantive infraction of the divine law. The very first article in the creed of the accomplished churchman of the age was the imprescriptible right of the church *to define its own privileges* without regard to those of any other order of men in the state; and to publish them to the world as the "law of God," to which, as an irrefragable inference, all human laws must yield obedience. Every act of resistance to this new law, from whatever quarter it might arise, was an emanation from the "god of this world"—an encroachment upon the divine prerogative, a sin, a schism, or a heresy. As wealth and endowments accumulated in the hands of the clergy, the scope of ecclesiastical law expanded; the points of collision with secular law and custom were multiplied. Claims were successfully set up to judicial cognisance of many subjects of purely temporal interest, such as matrimony, dower, testamentary dispositions, endowments, tithes, secular estate in the hands of churchmen, and other subjects wholly foreign from the spiritual faculties of a religious body.[f] But when the daring genius of Gregory VII. had matured in the mind of the church the

[d] Conf. Book vi. c. vi. p. 169 of this work.

[e] Conf. Book vi. c. viii. pp. 218-220 of this work.

[f] See the ordinances of the council of Rouen under Urban II., Book xi. c. iv. p. 568 of this work.

maxims of the *Dictatus papæ*, the princes of the world were driven to those pitiful shifts and dodgings so strongly exemplified in the policy of Henrys IV. and V. of Germany and II. of England, to evade the mortifying inferences from principles which, as far as passive acquiescence could carry them, stood upon grounds too strong to encourage direct attack. The audacious candour of the popes had proclaimed the supremacy of the priesthood over all earthly power; and they had been so successful in shouldering aside all state-law, that canons and canonism had assumed spectral proportions in the eyes even of the most discerning men of the world. Lay people and secular governments had permitted themselves to be thrust out of the sacred enclosure of the church catholic;—to be classed among the subjects of "the prince of the power of the air,"—with the single prospect of salvation from the doom of his minions through the mediation of "the sons of God," and at the expense of all freedom of thought or action, of their wealth, their self-government, and even of their personal safety.[g]

Operation of the so-called liberties of the church upon the welfare of the people.

But before we resume our narrative of the domestic affairs of the Holy See between the death of Alexander III. and the accession of Innocent III.,[h] it may not be inexpedient to present to the reader another and a more consolatory aspect of this wonderful scheme. At the close of the reign of Alexander III., the theory of the liberties of the church had been pushed to the verge of absolute severance from the state and its interests. Throughout this work it has been attempted to point out the steps and stages which led to this result, and to describe them in their operation upon the governments of the world. In the following Book it will be our task to lay before the reader the great product of the systematic calculations of the church constituency—the elaborated

[g] In England, as we have seen, upwards of a hundred murders had been committed by clerks within a short space of time. See c. vii. p. 215 of this Book.

[h] From the year 1181 to the year 1198.

scheme of church-government under the hand of the greatest master of priestcraft who had hitherto occupied the pontifical throne. For the present we must confine ourselves to a rapid glance at *the operations of the so-called "liberties of the church" upon the welfare of nations and the advances of civilisation.* A volume would scarcely suffice to afford a solution of this difficult and complicated problem. Yet in the course of the events recorded in this work several topics have been touched upon which may assist us to certain general conclusions. We will endeavour to recall these topics to the reader's memory, with a view to some definite inferences, rather *as to the merits* than the demerits of the great sacerdotal government it has been our object to unfold. Without venturing upon the rash, or rather the foolish, attempt to trace the hand of Providence in bringing good out of evil, we know that even the good seed may, under evil influence, bring forth unwholesome food; and that, on the other hand, the rank undergrowth of the soil may afford protection to the nurselings of the grove till they gain strength and vigour to overshadow and to kill the weeds which defended their feeble infancy.

Matters to be elucidated.

The short inquiry we propose to enter upon embraces three questions, namely:

1. How and to what extent did the actual church constitution—summed up, as we find it, under the general title of the "liberties of the church"—operate upon the organic structure of secular government, in the nature of a check or limit to monarchical absolutism and the manifold evils of feudalism?

2. In what degree did that scheme tend to the preservation and expansion of the remains of ancient civilisation, and to what extent did it contribute out of its own funds to promote the acquisition of knowledge and the growth of art, science, and literature?

3. How did it operate upon the interests of the masses, so as to improve their condition with regard to the privileged classes, and to relieve them from some of the worst evils of their social position?

As to the *second* of these points, though of great importance to the ultimate solution of the inquiry, it falls within the proper province of the literary historian; and in a work like the present would lead us too far out of our course in following up the current of political events, to admit of any but an incidental mention. We therefore confine ourselves to the first and third questions; namely, *first*, the *tendency of the ecclesiastical scheme to modify the framework and to check the evils of secular government:* and *secondly*, its operation upon *the interests and condition of the non-privileged classes.*

1. There is no period subsequent to the establishment of Christianity as the religion of the state under the imperial patronage of Constantine the Great, at which the body of the church did not exercise considerable influence over the state-government. Under the feeble successors of the first Christian emperors down to the partition of Italy we have pointed out the great accession of strength, and the independent, though often isolated position of the church, in consequence of the overthrow of the imperial state, and the division of its territories among the barbarian conquerors.[i] While a Cæsar sat upon the throne of Rome, the government leaned upon the church for support; and that support was liberally and faithfully afforded. More than once the bishops of Rome flung themselves with admirable courage between the distressed state and its foreign or domestic enemies.[j] But no power or influence was of avail to impart strength to a thoroughly exhausted and corrupted state, or to infuse spirit into a self-abandoned and slothful generation. For a century and a half the empire rotted away piecemeal, and at length crumbled noiselessly into dust. All that was left of life resided in the still-vigorous body of the church. Now, however, her position was wholly changed; her connexion with the state was dissolved; but this isolation was compensated by the unaltered devotion of the outlying sections of the Latin communion, and freedom from the fetters of an unprofitable

1. Operation of these liberties upon governments.

Italy before Charlemagne.

[i] Book ii. c. vii. pp. 463-478.

[j] See Book ii. c. vi. p. 422.

and burdensome connexion at home.[k] Under this state of things no natural or cordial intercourse between the church and the new governments was practicable. The power of the hierarchy now subsisted wholly in virtue of the numbers of its spiritual subjects, its special laws, and its strict internal coherency. Odovaker, Theoderick, Justinian, and the Lombards dealt with the clergy as a self-existent body indeed; but used it for their own purposes, and without distinguishing between clergy and laity, as subjects of the state; and without a notion that they possessed any rights that might limit the action of government, or impede it in any measure necessary to the aggrandisement of the state, or the maintenance of the public peace. During the three centuries which had elapsed between the extinction of the empire of the West and its revival by Charlemagne, it would be difficult to produce direct proofs of any influence exercised by the clergy in limiting or directing the action of the several governments, other than those occasional collisions which resulted from the looseness of all subsisting relations between the rulers and the subjects. The Italian clergy, though forming a *de facto* independent body, and frequently dealt with as a nation or people living under a law of their own, had no recognised standing in the government, or any rights but such as they could maintain by their numbers, their discipline, and their influence over the mass of the population.

Italy, Spain, and France, after Charlemagne.

Such was the position of the Italian clergy down to the conquest of that country by Charlemagne. Elsewhere, however, the position of the church was more advantageous. In Spain and in France the hierarchy and the priesthood were not only recognised estates of those kingdoms, but had obtained an acknowledged and tolerably well-defined standing, with rights and immunities distinct from, and coördinate with, the other political elements of the state. In the former country the conversion of king Reccared from the Arian to the Roman faith had at once imparted to the latinised prelacy a large share in the

[k] Conf. Book iii. pp. 73-81.

political government; while the conversion of Clovis, a century earlier, had gradually produced a thorough introduction of a Gallic hierarchy as a constituent of the Frankish polity, and transferred some of the most important ministerial functions of government into their hands.[1] The faithful attachment of the Gallic clergy to the church of Rome, throughout this long period of political separation, prepared the way for an incalculable accession of strength to the latter. The Italian successes of Peppin the Short, and the participation of pope Zachary in the great revolution which transferred the crown of France from the descendants of Clovis to the Carolingian family, tended still further to consolidate the relations of the Latin church and its patriarchal chief. At length, the overthrow of the Lombard kingdom and the conquest of Italy by Charlemagne led at once to an organic adoption of the whole church into the constituency of the new empire.[m]

Severance of church and state; result.

As we have already observed,[n] Charlemagne contributed greatly to the consolidation of the clerical body by a variety of ordinances tending to uphold the spiritual authority, and to increase and fortify its political importance. He had taken the church-constitution as the model of his contemplated re-organisation of the secular government. He desired to connect himself as closely as possible with the clergy and their chiefs, in the hope of infusing into the state some portion of that regularity and unity of action which was not to be found in the anomalous forms of government known to his age. Charlemagne chose his intimate advisers, his administrators, his *missi dominici*—itinerant justiciaries—from among the clergy. The latter on all sides eagerly stretched out their hands to grasp political power, and served no doubt, for a time, to balance the licentious liberty of the vassals of the crown. To this end indeed the disciplined aid of the clergy was invaluable. And it was to this irregularity of the secu-

[1] See Book ii. c. vii. p. 480 et sqq., Book iv. c. ii. p. 273 et sqq., and Book vi. c. ii. pp. 64, 65 of this work.

[m] See Book vi. c. ii. pp. 72-79.

[n] As last above quoted.

lar constituency that the church was indebted for that dominant participation in the government of the world which was ever afterwards felt throughout the states of the Latin communion. Bishops and abbots every where aspired to the highest offices of state; they undertook political missions; presided in the chancery or privy council of the sovereign, and in a great part directed his public measures. The scheme of Charlemagne's government was built upon an essential incorporation of church and state; in which neither party should be greater or less than the other; in which both should coöperate for the benefit of the whole, under the superintendence of the sovereign. But the theory, though excellent in itself, was soon found to be impracticable. The union indeed scarcely survived its founder. With the disruption of the Carolingian empire, the combinations of that great prince vanished into thin air. The empire split into fragments in the hands of his successors; but the church stood her ground; she increased her wealth; confirmed her authority; throve amid the agitations of the nether world; assumed a tone of inspired command; acted as mediator or arbiter between contending parties, and as opportunity presented itself, or her own interests prompted, often held in her hands the balance of peace and war.

Basis of the feudal union.

It is a matter of doubt whether any kind of coördinate union of church and state is more than a dream of the philanthropic mind. In the state of society as it existed during the medieval period it was an impossibility. The principles of the twofold association were incapable of fusion into one body politic; and in their actual coexistence were only fitted to act as a check upon each other. The feudal scheme in its origin was founded upon the Germanic principle of irresponsible personal liberty. The connexion of the person of the landholder with the lord of the fee was a matter of bargain, in which the services to be rendered in consideration of the benefice conferred were the price of the surrender of so much of independence as should be necessary for their due per-

formance; and that price was at first calculated at the lowest possible figure in favour of the obligee. The idea of personal liberty was, with all this, never absent from his mind. In all that was not comprehended in the compact he was still his own master. The tie which bound him to the lord might from time to time assume a more or less compulsory form; both parties might vary the terms of the compact as their relative strength or opportunity permitted. The duty of the vassal was for a long period measured rather by the power of the chief to compel, than by any sense of the legal obligation on the part of the tenant to obey. The principle of obedience was, in fact, the weakest among the props of feudalism, and never for an instant stood in the way of any encroachment upon the sovereign rights and attributes for which a favourable opportunity might present itself.

Contrast with this picture that which the sacerdotal association presents. That connexion was in its nature and origin a corporate union, into which the idea of personal independence scarcely entered. The person of the churchman was of value only as a member of the association; his relation to his church was that of unqualified submission. The area of his activity was rigidly circumscribed by the bounds of doctrinal and disciplinarian ordinance. If found straying beyond them, he became a reprobate and an outcast from human sympathies. The idea of liberty, as it stood in the opinion of the worldling, was an abomination and a curse to the priest. The watchword of his order was *obedience;* as in a well-regulated army, the pride of the soldier lay in his discipline, and the honour of the officer in the unreflecting execution of the orders of his commander. In defiance of the manifold corruptions which obstructed the action of this great principle, there was in the relation of the churchman to the corporate body nothing in the nature of a bargain, the terms of which might be varied with every turn of chance or fortune. Those terms were unalterably fixed and settled in the nature and character of the institution itself. The corruptions, the vices, the schisms in the

Basis of the ecclesiastical union.

church had no effect in unsettling the principle of the association. She had always within herself the means of self-correction — provided the reformatory process moved from within herself. The energetic efforts of the Latin body during the whole course of the eleventh century to shake off the fatal lethargy of the tenth bear abundant testimony to the inherent *vis vitæ* of the sacerdotal scheme; but the power was derived from a purer stream of evangelical tradition than could have been supplied by the muddy current of canonism, or the impure sources of pontifical mythology.°

Antagonism of the two principles favourable to general liberty.

Accordingly, in all cases of collision with temporal governments, the church, like a thoroughly well-disciplined and appointed army operating against an insurgent rabble, stood upon a vantage-ground, from which she could not be dislodged as long as she maintained her discipline, and kept open her communication with the basis of her operations—Rome. The errors, the vices, the tyrannies of princes were her opportunities. She stepped forth as the divinely-appointed champion of morality and order, and even of liberty, in the world. During the earlier ages of feudalism the church had always exercised an indirect, and in some instances a direct, authority in rebuking the excesses of kings and princes, and punishing great public offenders against religion and morality. But towards the middle of the eleventh century she openly assumed the character of universal moral and religious censor. In this character she stood forth against the tyranny and the vices of Henrys IV. and V. of Germany; she checked the ambitious projects of the emperor Frederic I.; she rebuked and punished the immoralities of the French court and nobles; on more than one occasion she brought the haughty Plantagenets of England to book; she showed how limits might be imposed upon the extravagances of

° Compare the three last chapters of our 9th Book, and chaps. i., ii., iii. of the 10th Book of this work. In the works of Peter Damiani, clouded as they are by the detritus of tradition and canonism, the spirit of a purer Christianity stands out in strong relief. Gregory VII. knew and cared little about all this, though the teaching of his coadjutor fitted in well enough with his plans.

prerogative, and set an example of successful resistance to mere brute power, which fructified advantageously in favour of public liberty, from whatever quarter the danger might spring up. Thus, when, in the simple and inartificial judgment of the English people, public law stood out in open opposition to ecclesiastical ordinance, the incongruity of canonism with national institutions became apparent, and the remedy, simple as the grievance, was instinctively resorted to. While with one hand the estates of England stoutly encountered the imbecile tyrant who had dared to disgrace his crown by a cowardly surrender to a foreign priest, they with the other boldly rebuked the surreptitious attempt of the priesthood to substitute their own law for the law of the land. The Constitutions of Clarendon and Northampton remained unrepealed on the statute-book of the realm; and Magna Charta went no further than to confirm the ancient liberties of the church of England as conceded by the nation, though rejected by Becket and his master pope Alexander III.[p]

2. Thus, the encroachments of the spiritual upon the temporal powers of the world proved incidentally as well as directly instrumental in correcting some of the worst evils of government, and ultimately in promoting the advances of civil liberty. But the great conflict brought with it more immediate and tangible advantages to the subject-people. The *right of private warfare* sprung from the original idea of liberty entertained by the Germanic conquerors of Rome. Under that dispensation every man was entitled to pursue his own right, and to avenge his own wrong, in his own way. The effect was to place the indigent and the weak at the mercy of the strong, and gradually to obliterate in the mind of the powerful all idea of right wherever the subject lay within reach of the mailed hand, or his own material interests did not interfere to afford protection to those who could not protect themselves. Innumerable forts and castellated mansions sprung up

2. Operation of the "liberties" of the church upon the welfare of the commonalty; the "Treuga Dei."

[p] See art. 1 of Magna Charta, in *Sir E. Creasy's* version,—"English Constitution," p. 131.

in every part of Christendom. Armed princes, knights, and vassals went forth from these dens of rapine and violence to ravage each other's lands, and to make good by force of arms those rights, or to avenge those wrongs, which no power of public law or justice could reach. Such a power was for long ages to be found nowhere but in the church. The sufferings inflicted upon all classes of subjects had become intolerable. Princes and people alike called for and accepted the intervention of the sacerdotal hand to check the extravagances, if not to abrogate the right, of private warfare. The church stepped in with alacrity to work this rich mine of spiritual influence, and to take upon her own shoulders the superintendence of the police of Europe. Working dextrously upon the religious fears and the sense of helplessness in the community, she introduced the so-called "Treuga Dei," and entitled herself to the lasting gratitude of the Latin world. If the Truce of God had been rigorously enforced, it would have left scarcely more than a hundred days in the year for the prosecution of private feuds. But there was no power strong enough to do more than put a check upon the inherited principles of feudalism; no force that could take the right of self-redress out of the hands of those who had the power to retain and exercise it. The right remained untouched, but the exercise might be partially controlled; and to this object the church devoted all her spiritual and temporal energies; and there is no doubt that a very considerable alleviation of the public sufferings was the result. The most important effect, however, was the exemption of the persons, families, and estates of those who went to the holy wars from all molestation by neighbours, or even from responsibility to law, during the period of their absence in the service of the church.

The church and the crusades.

We say "in the service of the church," because we regard the spirit of the crusades, though an immediate emanation from the religious mind, yet for the most part as set in motion, and certainly most industriously put to profit by the pontiff and the prelacy of the Latin church. That at this period

the world was, as pope Urban and the preachers of the crusade described it, "dead in trespasses and sins," may not have been far from the truth. There is ample evidence of the unbounded licentiousness of princes and nobles; of the prevalence of the crimes of rapine, murder, adultery, and violence among the military population; of gross ignorance and abject credulity among the masses; of mingled fanaticism and hypocrisy among the monastic orders and the clergy generally. The whole framework of society was infected with the deadliest of political diseases—a contempt for all law that might oppose the smallest check to the indulgence of the selfish passions. The duty to exorcise the "legion," which seemed wholly to possess the social body, fell naturally upon the clergy. But the temptation to trade upon the mass of evil was stronger than the duty. It was easier to divert the current than to dry up the sources of the popular vices. The sins of the world promised a richer harvest of spiritual influence than their correction. A new channel was dug out for the sanctified indulgence of the most cherished vices of the age; and the repetition of the same offences in another direction became a title to a plenary forgiveness.[q]

Effect of the crusades on the interests of peace and social order.

But it was something that the conscience of the world was awakened: that men should even look out for escape from the consequences of their sins, is a step towards repentance. It is abundantly clear that real remorse was certainly one, and not the least important, of the moving forces that impelled the pilgrim-armies of the West in their headlong onslaught upon the infidel enemies of God and man. In many instances we may trace the impulses of genuine piety, of child-like dependence upon the divine blessing, and even detect a sincere desire to earn it by a conscientious discharge of the great duty cast upon them. Examples of disinterested devotion and courage in the performance of that which is believed to be a duty are never lost upon

[q] See the speech of pope Urban II. at the council of Clermont, Book xi. c. iv. p. 567 of this work. Conf. *Gibbon's* account of the motives of the crusade, Decl. and Fall, in c. lviii. vol. vii. p. 186 et sqq.; upon the whole, a correct estimate.

the world. The principle is nourished, though the occasion that calls it into action may not, in the judgment of a more enlightened conscience, justify its application. But it was perhaps in the diversion of the current of the evils which afflicted society that we trace the most important of the incidental benefits accruing to the world from the crusades. A host of wild, untamed, and untamable spirits eagerly seized the prospect afforded them of plunder and pardon—bloodshed, rapine, and forgiveness of sins. If the hero survived, honours, riches, and dominion were to be his reward; his sins were blotted out, and a paradise of indulgence on earth was to be but the prelude to the eternal reward of the valiant soldier of the cross. If he fell in the execution of the sacred duty, a higher honour awaited him; and with the crown of martyrdom he was instructed to look forward to an immediate transfer to the realms of bliss above. The terms offered by the church were congenial to the dominant passions and aspirations of men of all conditions. To the indigent and the wretched, the slave and the servitor, they held out at least a change of condition, a chance and a hope of improvement; liberty and license went hand in hand; and no dangers or difficulties, obscure and incalculable as they were, weighed a grain against his sanguine expectations. The stream flowed on and on; and with it passed away an immense load of evil and mischief to society. The enthusiasm which inspired all orders of men operated for good in another direction. Old estates changed hands; assiduity and thrift were rewarded with the spoils of the needy fanatic; even industry profited in some degree by the necessary supplies and traffic of the armies, and by the new routes of commerce opened out for a freer intercourse with distant nations. The millions that perished in the holy wars consisted either of the refuse of the populace, or those whose presence at home would have perpetuated the evils which afflicted the world. Protection to the weak and the poor was now at least a watchword and a fashion. The Truce of God was no longer a dead letter. The fathers of the council of

Rouen ratified and took upon themselves the execution of that meritorious ordinance. The maintenance of the "Treuga Dei" passed exclusively into the hands of the clergy; they took upon themselves to work the police of the world; to the utter confusion, indeed, of the secular and ecclesiastical judicatures, but, upon the whole, to the decisive advantage of the interests of peace and social order.

Pope Alexander III. died on the 30th of August 1181, and was succeeded by five pontiffs within the space of sixteen years and about six months. This short period presents a few prominent events affecting the domestic history of the papacy, the progress of pontifical and sacerdotal influence throughout Latin Christendom; and it points to certain foreign affairs connected with the growth of the ecclesiastical system, which in some degree prepared the way for that remarkable pontificate which will occupy the pages of the next following Book.

Period comprised in this chapter.

Roland Bandinelli, under the title of Alexander III., had occupied the papal throne for the unusually long period of twenty-two years.[r] Measured by the ordinary standard of administrative merit in that, or perhaps of any age, none of his predecessors could with more justice have appended the title of "The Great" to his name. He was excelled by none in the choice of his ministers and agents, and in the management of the vast and complicated machinery of ecclesiastical government. His spiritual victories were no barren achievements; they established principles; they multiplied precedents; they repelled adverse pretensions; they nourished in the minds and habits of his subject-clergy maxims of sacerdotal immunity and independence, which placed the church in a position impregnable to the undisciplined and, we may say, unprincipled assaults of the outer world. Without regard to moral merit, any, even the worst motives of action reduced to

Government of Alexander III.

[r] Minus about a week.

a system and uniformly acted upon, are safe against all opposition, however meritorious, if not conducted upon the like principle of order and consistency. The most serious danger this pontiff had had to encounter arose from the tendency of his great adversary's endeavours to establish an antagonistic principle of lay-government, founded upon precisely the same basis as that upon which the papacy itself took its stand. Frederic I. had claimed the same divine authority for the dignity of his crown as that which the popes of Rome had exclusively assigned to the chair of Peter. But in this great emergency the vast ability of Alexander III. shone with a brilliancy scarcely excelled by any pontiff of his or any subsequent age. In Germany the political heresy of the Emperor had taken deep root. In England the national spirit of legality among all orders of men threatened to restrict the law of the church within the limits of the law of the land. But several occurrences of the most divergent character contributed to relieve the pontiff from immediate danger, and to throw the great question far into the background. The murder of archbishop Becket in the year 1170, improved by the Pope with consummate ability, had benumbed the faculties of the king, government, and people of England. Eight years afterwards, the humiliation of the Emperor at Venice might be appealed to as the judgment of God in the great controversy between the adverse theories of state and church law. The truce left the latter in possession of the field of battle; doubt and uncertainty had invaded the hostile camp; and the Emperor himself began to feel the ground trembling under his feet. Alexander forbore to press his victory too far; he hesitated to awaken the reactionary spirit that had hitherto given him so much uneasiness, and now he might behold in the spirit the nations of the world, carried away by warlike ardour and promises of unbounded pardon for past sins, drifting quietly into the *mare clausum* of the ecclesiastical empire. The work of Alexander III. was done, and well done. Few rulers of men have been more successful in consolidating the elements of power at their disposal; and

fewer—considering their nature—have made a more moderate and judicious use of them.

The five pontificates which followed may be treated more shortly. They may, perhaps, be properly regarded as the preamble to that of the man who carried the stately scheme of the Roman church to the pinnacle of greatness, and imparted that strength of frame and that elasticity of action which sustained it for more than three centuries against such internal disturbances and external assaults as must have rent and torn any more weakly compacted structure into fragments. Regarding the reign of Innocent III. as the completion and the crown of the great scheme of the Cathedra Petri, the remainder of this chapter may be confined to a short notice of the incidents necessary to impart a view of the actual state of the papacy, and its position at home and abroad, at the commencement of that distinguished pontificate.

The five pontificates.

Two days after the death of Alexander III., Humbald, cardinal-bishop of Ostia, an aged and unlettered person, was elected pope, and crowned on the following day at Rome, by the name of Lucius III.[s] The Romans, who might feel and respect the strong hand of Alexander, speedily took occasion to fasten a quarrel upon his feeble and narrow-minded successor. Certain customary privileges or donatives at the commencement of a new pontificate were imprudently withdrawn by the new Pope. Lucius was compelled to take refuge in Velletri from the fury of the citizens, and the latter in revenge ravaged the patrimonial lands of the church. They next turned on their hereditary enemies the Tusculans, whom they had never forgiven for the overthrow inflicted upon them in the year 1168.[t] But the siege was raised by their old adversary archbishop Christian of Maintz, and the imperial army of Central Italy under his command. The Romans retired at his approach, and were punished by the merciless ravage of

Lucius III. pope.

[s] *Baron.* an. 1181, § 15, pp. 524, 525. See also *Pagi* ad *Baron.* for a more particular account of the election and installation.

[t] See c. v. p. 142 of this Book.

their lands and property beyond the walls. The dilapidated fortifications of Tusculum were restored, and the city again placed in charge of the Pope. The archbishop, however, died at Tusculum,[u] and his army dissolved itself. There was now no check upon the insolence of the Romans; and pope Lucius in his distress addressed supplicatory letters to all the courts of Europe, craving aid in defence of the Holy See and the blessed prince of the apostles against his rebellious subjects. The English prelates carefully declined to saddle themselves with any direct contribution which might hereafter be drawn into precedent; and they persuaded the King not to permit any collection to be made by papal agents, but rather to send whatever subsidies he might think proper in his own name and behalf. By the aid of the sums thus obtained, the Pope found it no difficult matter to reëstablish his authority in Rome.[v]

Pacification of Italy.

The emperor Frederic, a prince upon whose masculine understanding the lessons of experience were never thrown away, had convinced himself that he must treat with his Lombard subjects upon terms of acknowledged law and custom. His gentle dealing, supported by his firm and equitable character, had in a great degree reëstablished his influence in the Lombard cities. The truce of Venice must shortly expire,[w] and it had become an object of both parties to convert it into a solid peace. At the Emperor's suggestion, the cities despatched their envoys to a great Germanic diet at that time assembled at Constance. The Emperor warranted to the confederate cities all the municipal rights and franchises as they had hitherto enjoyed them—choice of magistrates, revenues, jurisdictions, &c.; reserving only to the crown the duty of general fealty, and certain ancient services, tolls, and incidental income requisite for the public service. A

[u] *Hoveden*, ap. Savile, p. 621, has a story about a poisoned well which the Romans had contrived for the destruction of their enemy and his army. No other writer mentions the incident, and it was certainly unknown to pope Lucius III. See his letter to the prelates of Germany, ap. *Mansi*, not. ad *Bar.* 1183, p. 536. See also an account of the death of the archbishop, ap. *Pagi* ad *Baron.* ibid.

[v] *Rog. Hoveden*, ubi sup. pp. 621, 622.

[w] See c. vi. p. 171 of this Book.

tribunal of arbitration was set on foot to determine all disputed claims, as well between the crown and the municipalities as between cities, bishops, corporate bodies (lay or ecclesiastical), and private litigants. The terms of the treaty gave general satisfaction throughout Lombardy. They may almost be said to have stood as the Magna Charta of the Italian kingdom. All parties retained their acquired rights, and the sovereign found himself stronger and richer by the frank abandonment of a prerogative which had proved more costly in the maintenance than profitable in the enjoyment. The right of confederation, saving only the duty of allegiance, was reserved to the cities; and, in the privilege of a common deliberative deputation, the foundation was laid of a scheme capable of assuming the shape of a genuine representation. But, like the mummy-wheat of Egypt, the good seed was destined to lie buried for centuries in the dry catacombs of ignorance and priestcraft. To the pontifical system the steady growth of a national political organisation must have proved fatal. The hinges of papal policy turned upon the trite maxim, "*divide et impera.*"[x]

Lucius III. and the emperor Frederic.

At Rome, meanwhile, the distribution of the money collected from the sovereigns and princes of Europe had wrought a momentary calm, and enabled the feeble pontiff to enjoy a few months of friendly intercourse with his turbulent subjects. But the impression soon wore away; fresh disputes raised renewed tumults, and pope Lucius III. was again driven from the city. He took refuge in Verona, to be at hand to his great protector the emperor Frederic. Here several important points came under discussion between the monarch and the Pope. In the treaty of Venice (1178) pope Alexander III. had very reluctantly and sparingly relaxed the check he held upon the secessionist clergy of Germany. Only three exceptions to the general proscription of all who had derived their orders from schismatic sources were admitted; all other irregularly ordained persons remained in a state of

[x] Conf. *Raumer*, Hohenst. ii. p. 279; *Pagi* ad *Bar.* § 3, p. 539.

functional disqualification extremely offensive to the religious world, and seriously obstructive of the measures of the civil government. The Emperor thought himself entitled to demand that this state of things should be at once put an end to; and the Pope was requested to confirm all such ordinations, and to place the subjects in the same position as if their orders had been good from the beginning. Pope Lucius promised, hesitated, prevaricated, and at length objected, that as the excommunications had been pronounced by a general council, they could not be revoked by any authority but that of a synod of the same character, with the consent of the curia, the bishops, and clergy. Cunningly by way of a diversion, or deliberately in the hope of extorting the immediate delivery of the estates of the countess Matilda,[y] pope Lucius demanded to be put into possession of the districts and possessions in question. The Emperor produced the documents on which his rights were grounded, and repelled the papal pretensions with indignation.

Disputed election in the see of Treves.

In the year 1183 a double election had occurred in the great church of Treves (Trier) between Folmar or Folkmar and Rudolph, canons of that see. The concordat of 1122[z] transferred to the Emperor the right of deciding disputed elections, and Frederic gave judgment, shortly afterwards followed by investiture, in favour of Rudolph. His adversary had appealed to the Pope. The young king-regent Henry (VI.) drove out Folmar and his adherents in the chapter by military force, and sequestrated their estates as rebels and traitors. At the same point of time he compelled archbishop Philip of Cologne to indemnify certain merchants of Augsburg whose goods he had seized. Philip in turn appealed to the Pope against an act he described as a spoliation of his church. The Emperor, displeased with the precipitate and unauthorised acts of his son, directed the restoration of the estates of Folmar and his partisans. But when pope Lucius III.

[y] Note that as yet only six years of the fifteen during which the Emperor was to remain seised of those estates by the treaty of Venice had expired. See c. vi. p. 171 of this Book.

[z] See Book xi. c. vii. p. 672 of this work.

demanded that Folmar should be reinstated in the see of Treves, the Emperor replied, that "if the clergy of that see did not choose to respect the prerogative of the crown, their ecclesiastical privileges must fall to the ground;" and plainly told the Pope that any step on his part for the reëstablishment of Folmar must put an end to the friendly relations at present subsisting between the two courts. Lucius retaliated by rejecting the request of the Emperor to place the imperial crown on the head of his son Henry, king of the Romans, upon the insulting plea that it was inconsistent with ancient custom that there should be two emperors at the same time, and that, unless Frederic would resign, his son could not reign.[a] Rudolph of Treves, however, was permitted by the Emperor to appear to the appeal of his rival, with a view to the discussion of the question of prerogative as settled by the treaty of Worms (1122); and for that purpose he furnished him with the ablest legal advisers of the day.[b] The conferences led to no result; the Pope appears to have hesitated as to any ulterior steps for the benefit of his client; while the Emperor resorted to other means of encountering the ill-will of the curia.[c]

Policy of the Emperor in his dealings with Lucius III.

In full expectation of a breach with the Pope, Frederic negotiated with the Lombard cities, more particularly with the powerful republic of Milan; and on the 11th of February 1185 a treaty was concluded, by which, in consideration of the abandonment on the part of the Emperor of certain obnoxious regalia which, it seems, had been reserved by the treaty of Constance (1183), and of permission to rebuild the city of Crema, the cities agreed to enter into no engagements with the adversaries of the empire, and to aid the Emperor in recovering any part or portion of

[a] This plea was, however, groundless. The son of Henry II. of England had been only lately crowned, in the lifetime of his father. If there could be two kings of the same kingdom reigning together, why not two emperors?

[b] Namely, two canonists to discuss the question on grounds of canon law, and two civil or common lawyers to support the legal claims of Rudolph.

[c] See these disputes shortly and ably stated, ap. *Arn. et Helmold.* Chron. Slavorum, lib. iii. c. x., ap. *Leibnitz*, Rr. Brunsw. Ss. tom. iii. p. 663. Conf. *Pagi* ad *Baron.* an. 1184; *Raumer*, Hohenst. ii. p. 284.

the Matildan estates which might have fallen into other hands, or been fortuitously lost sight of. Some concessions to the powerful markgrave of Este secured the friendship or neutrality of that prince, and enabled the Emperor to keep in check certain disaffected communities in Tuscany and the Bolognese by severe military execution. These judicious measures deprived the curia of all prospect of support from municipal or popular discontents, while they enabled the Emperor to consolidate his influence in the Italian dependencies of the empire, and reap the benefit of prior treaties, which, though concluded with the privity or sanction of Rome, were, under one pretext or another, evaded by the curia as opportunity or ingenuity might suggest.[d] Whether the Emperor himself ever intended loyally to relinquish the estates of the countess Matilda to the Roman church at the expiration of his covenanted interest, may admit of doubt.[e] Yet his actual right of possession could hardly be disputed; and the papal demand of an immediate surrender must be regarded as an infraction of the treaty of Venice.

Death of Lucius III. Election of Urban III.

In the midst of these untoward disputes pope Lucius III. quitted a scene in which he was little qualified to shine. He died on the 24th of November 1185 at Verona, and was, without delay on the part of the curia, succeeded by Lambert, cardinal-archbishop of Milan, not improbably with a view to neutralise the imperial interest in that important city.[f] The new pope took the pontifical name of Urban III.;[g] and hastened to gather up the threads of the late controversies as a sacred legacy from his predecessor.

Papal demands.

He accordingly restated to the Emperor personally the terms of amity with the Holy See. The *first* and principal article was the immediate surrender of the estates of the countess Matilda: the *second*, the

[d] E.g. the treaties of Worms (1122) and Venice (1178).

[e] See the remark of *Arnold et Helmold* in Chron. Slavor. ubi sup. upon the discussion relating to this subject. Both parties would seem to have relied upon their absolute prior rights, independently of the treaty of Venice.

[f] It is remarkable that this pope retained the archbishopric *in commendam* with the papacy throughout his pontificate.

[g] *Hoveden.* ap. Savile, p. 630; *Art de Vér. &c.*

relinquishment of the right of taking the *exuviæ* or movable estate of defunct bishops and abbots: the *third*, the restoration of certain female convents which he had dissolved on the ground of the dissolute lives of the inmates, with sequestration of their revenues. In the hope of the much-coveted coronation of his son Henry, the Emperor listened with assumed patience to these inadmissible demands. Urban, however, put a decisive negative upon the imperial request, for the same reasons as those alleged by his predecessor. This hostile disposition was further made manifest in the immediate consecration and installation of the Emperor's enemy Folmar in the archbishopric of Treves, and the appointment of the disaffected archbishop Philip of Cologne as resident-legate of the Holy See in Germany. Meanwhile the agents of the Pope busied themselves in getting together a party in Germany, with a view, by the aid of the archbishop-legate, to weaken the elective prerogative as established by the treaty of Worms,[h] and to divest the Emperor of those sources of revenue which, though inconvenient and exceptionable in themselves, had been from time immemorial appropriated and enjoyed by the crown.[i] Disgusted with the failure of his attempts either to conciliate or to intimidate pope Urban, the Emperor left his interests in Italy in the hands of his new allies, and retired to Germany to watch the movements of his antagonist in that country, and to cut off the communications of his domestic enemy Philip of Cologne and his party with the papal court at Verona. He accordingly caused the Alpine passes and the coast-line of the Adriatic to be closely watched, to prevent the passage of letters and messages to and from the pontifical court; he summoned the archbishop[j] to his presence, and convinced himself that the prelate was likely to prove a dangerous enemy in the diet, to which he now intended to resort for support against the disorganising pretensions of the Holy See.

Hostility of pope Urban.

To this end a great council of the princes, barons, and

[h] The *bête noire* of the papacy.

[i] As it was in almost every European kingdom.

[j] Whom the Pope had *pro hac vice* created his legate in Germany.

Great diet in Germany.

clergy of the empire was convoked at Gellenhausen. Abp. Philip, as the declared advocate of the papal pretensions, and the leader of a hostile party in the country, was forbidden to attend the diet. In this assembly Frederic laid before the estates the latest

Pontifical assault upon lay patronage, &c.

demands of the Pope, namely, that it should be declared unlawful for any layman to hold tithes; and that none but the clergy should be allowed to deal with the estates or revenues of the church, or to exercise the office of advocate or protector of any bishopric, church, or abbey within the realm. These rights, which the Pope treated as abuses, were, the Emperor contended, either the reserved consideration of the original endowment, or acknowledgments for the benefit of protection extended by the laity to the persons and property of the churchmen, without which the latter would be hopelessly exposed to the attacks of any enemy who might desire to plunder them: in fact they had passed from generation to generation in unbroken descent, and had become so inextricably involved in the rights and transmission of private and public property, that they could not be relinquished without a serious disturbance of existing interests, and imminent danger to the property and possessions of the church itself. The prelates present adopted these views, and advised an application to the Pope, in their own names and behalf, "to do justice to the Emperor in all matters in which justice was claimed."[j] This epistle, though conceived in terms of the most profound respect, proved a serious shock to pope Urban, who had persuaded himself —or had accepted the assurance of the party through his legate Philip—that his scheme of emancipation would meet with the hearty approbation of the Germanic clergy. He had, however, formed an erroneous estimate of the influence of the Emperor, and had unwisely resolved upon those extreme measures against Frederic I. which

j This form appears to have been adopted by the prelates with a view not to involve themselves personally in dispute with the pontiff, and yet to convince him that he had no help to expect from them in carrying out measures equally prejudicial to themselves and to the other persons affected by them.

had proved so signally successful under the abler management of his predecessor Gregory VII. Following the precedent of that notable proceeding, he duly cited Frederic to appear before him, to show cause why sentence of excommunication should not be pronounced against him. But it happened that the citizens of Verona, with whom he resided, no sooner heard of the sinister intentions of the Pope than they remonstrated emphatically against making their city the scene of so dangerous an experiment; and Urban was compelled to adjourn the excommunication to a more favourable opportunity and locality. But before he could accomplish his menace he was overtaken by death; and "thus," says our informant, "the Emperor for the time escaped the lance of the curse."[k]

Urban III. threatens to excommunicate the Emperor.

The "providential escape" alluded to by abbot Arnold of Lübeck illustrates aptly enough the prevailing opinion of the pontifical churchmen of the relation between the church and the state. Subsisting legal or constitutional rights yield on all occasions to sacerdotal class-legislation. The notice bestowed upon objections resting on the grounds of civil law is generally of a passing and supercilious character, as if too worthless to deserve serious refutation, or even discussion. And undoubtedly, in the absence or the impossibility of profitable investigation, the broadest dogmatism is the safest course. Though a very superficial acquaintance with the character and nature of canonism suffices to prove the irreconcilable antagonism of church and state law, yet an official statement addressed to, and approved by the head of the Latin church has a value

Declaration of pontifical prerogative; Godfrey of Viterbo.

[k] See for these transactions ap. *Helm. et Arnold*, Chron. Slavorum, ubi sup. lib. iii. cc. xvi. xvii. xviii. pp. 666-669. The "advocatio ecclesiæ" here spoken of, though originally a simple protectorate with administrative powers, often included the nomination to the protected churches, and resembled our "advowson," or right of presenting a parson to the bishop. *Tithes* were often granted to the laity as the price of protection in a state of society where the "faust-recht," or right of private warfare, was almost equally claimed and exercised by churchmen and lay barons; both plundering and harassing one another without regard to rank or condition; witness the plundering of the merchants of Augsburg by the papal champion, archbishop Philip of Cologne himself. N.B. The third book of the Chron. Slavorum is ascribed by *Leibnitz* to abbot Arnold of Lübeck; the two first books to Helmold, a presbyter of the same church.

of its own, by presenting to us, in a precise dogmatic form, the very shape and figure of the system it was intended to support. Godfrey of Viterbo dedicated his general history of the world[l] to pope Urban III., by whom it was benignantly received and authenticated.[m] "When," he says in his dedicatory epistle, "I reflect upon the majesty of our glorious mother the church, I feel above all things how necessary it is that, inasmuch as she is exalted high above every earthly power, all kings and princes of the earth, and all the churches of the universe, should be ruled by her teaching and government; and that they should take their instructions and laws from her, as from the fountain of all justice and wisdom: for she alone is the proper judge of the authenticity and credibility of all public writings; so that whatever comes before the world with the stamp of her approbation acquires that power and authority which she alone—to whom all power and all authority in heaven and on earth are by divine appointment committed—can impart." The work, therefore, thus adopted and authenticated by the pope was—the author assures us—intended to warn all kings and princes against offending or disobeying in any manner him whom God has appointed to be the supreme arbiter of all truth on earth.

Capture of Jerusalem, and death of Urban III.

Pope Urban III. had miscalculated his chances, and was, upon other grounds, involved in distress and perplexity. The assurances of Godfrey of Viterbo, in the face of the undutiful behaviour of his spiritual subjects in Lombardy, could scarcely have afforded him any special consolation. He was still an exile from his capital, and without a prospect of reconciliation with his Roman subjects. But a severer affliction than these awaited him. Every effort he and his predecessors had made to awaken the Western world to a sense of the danger of the Holy Land had

[l] Under the title of "Pantheon." The entire work is printed in the collection of *Pistorius* (Germanicorum Scriptorum, &c.), vol. ii. pp. 8 to 392. Godfrey, or Godfridus, of Viterbo was successively chaplain (or perhaps secretary) to the emperors Conrad III., Frederic I., and his son Henry VI.

[m] *Baron.* an. 1186, pp. 571, 572.

failed. And now the disastrous tidings of the capture of Jerusalem by the Turkish sultan Saladdin struck upon his ear like a death-knell, and brought him in unspeakable sorrow to the grave.[n] Pope Urban III. died at Ferrara on the 20th of October 1187; and was succeeded by Albert Mora, cardinal-priest of St. Laurence a Lucina, by the name of Gregory VIII. But time was not granted to the new pontiff to do more than to publish penitential ordinances throughout Christendom, and to reissue the usual indulgences and immunities to all who should take the cross for the rescue of the holy city out of the hands of the infidels.[o] Gregory died at Pisa, whither he had removed for the purpose of reconciling that republic with the Genoese, after a reign of only one month and twenty-seven days.[p] He was succeeded by Paulo Scolaro, cardinal-bishop of Preneste, after a vacancy of twenty days. The new pope took the name of Clement III.[q]

Gregory VIII. pope.

His death, and election of Clement III.

Pope Gregory VIII., during his short pontificate, had taken no steps to revive the quarrel between his two predecessors and the Emperor.[r] Amid the general calamity which had befallen Christendom, ecclesiastical disputes had lost their interest with the public. Two points occupied the attention of Clement III.; namely, the promotion of the new crusade then in preparation, and his own reconciliation with his Roman subjects. To this end the Pope lost no time in making overtures for peace. Two difficulties remained to be overcome; the Pope demanded the restitution of

Negotiations with the Romans.

[n] According to *Hoveden*, ap. Savile, p. 536; as confirmed by *Hugo of Auxerre*. *Pagi* ad *Baron.* an. 1187, no. 12. Pagi, however, inclines to believe, on the authority of *William of Newbridge*, that Urban died before the news of the fall of Jerusalem could have reached him. The city was taken by the Turks on the 28th of September; and allowing twenty-two days for the news to reach Ferrara, we see no such improbability in the account of Hoveden as to discredit the tradition that pope Urban died of grief. Disastrous tidings such as these travel fast.

[o] *Hoveden*, ubi sup. pp. 637, 640; *Baron.* an. 1187, § 13-16, pp. 585, 586.

[p] His death is usually dated on the 16th December. The *Art de Vér. &c.* dates it on the 17th.

[q] He was elected on the 5th of January 1188. But *Pagi* questions the vacancy, in reliance upon *Matth. Paris*, *Ralph de Diceto*, and the *Annalist of Melrose*, against Hoveden.

[r] He was supposed to have entertained friendly sentiments towards Frederic.

the regalia,[s] and the Romans stipulated for permission to wreak the utmost vengeance on their hereditary enemies the Tusculans and Tiburtines. For this purpose they called upon the Pope to assist them with money and troops; and in return for his compliance they promised him obedience for the future, and the immediate surrender of the sequestrated rights and revenues of the Holy See. The terms finally agreed upon restored to the pontiff the jurisdiction of the city; the public revenue hitherto collected by the Pope, excepting one-third, which was to remain at the disposal of the senate for the gradual extinction of the debt contracted in the course of the war with the Tusculans; and the command of the capitanei, or military dependencies of the patrimony of St. Peter:[t] after the dismantling of Tusculum, as soon as that work could be accomplished, the territory of the expatriated citizens was to be and remain the absolute property of the Holy See, the Pope undertaking, out of the additional revenue acquired, to defray the annual cost of repairing the walls of Rome. In consideration of these concessions the pontiff agreed to deliver up the city of Tusculum to be utterly destroyed, as soon as it should fall into his hands by conquest or surrender; and he engaged for himself and his successors never to restore or rebuild it; and if the city should not fall into his hands before the ensuing 1st day of January 1189, that he would excommunicate the inhabitants of Tusculum, besides taking upon himself the greater part, if not the whole, of the expenses of the reduction of the doomed community. The hostile Tiburtines were, it seems, involved in the like condemnation; and it was stipulated that if the Romans should be inclined to renew their feud with the latter city, the Pope should not take it under his protection, nor throw any impediment in the way of the conquest.[u]

Treaty, and restoration of Clement III.

[s] See c. iv. p. 97, and c. vi. p. 175 of this Book.

[t] The term 'regalia' seems to denote revenue and jurisdiction. The 'capitanei' appear to have been dependencies of the Holy See, held upon the same terms as by other feudal tenants of princes or great lords. Conf. *Ducange*, ad voc. 'Regalia' and 'Capitanerio.'

[u] See the treaty *in extenso*, ap. *Baron.* an. 1188, § 22-26, pp. 600-602.

Within thirty days of the election of Clement III. the treaty was duly ratified and sworn to by the senate and people of Rome. The domestic affairs of the Holy See during the remainder of this pontificate present few points of interest. Tusculum and Tivoli continued to hold out against Pope and Romans; but the fate of these cities was only delayed till more powerful aid than either could command came to them from the north. The iniquitous bargain, however, was struck; the Romans gained dependence and revenge; the pontiff acquired a prospective increase of territory from the spoils of a city under the covenanted protection of the Holy See, and which had so often afforded an asylum to his exiled predecessors. Clement III. resided peaceably in Rome for the remainder of a reign of three years, three months, and fourteen days. He died on the 27th of March 1191, and was succeeded by Hyacinth Bobocardo, cardinal-deacon of S. Maria in Cosmedin, under the assumed name of Cœlestine III. At the date of his elevation the new pontiff was eighty-five years old, sixty-five of which long period he had passed as a simple deacon. His election was conducted in a more formal, if not a more regular manner than that of any of his predecessors. Some obscurity, however, still hangs over the value of the votes in the consistory, though the ceremony was more elaborate and more minutely symbolical than that attending any previous election.[v]

His pontificate and death.

Election of Cœlestine III.

In the month of May 1189 the emperor Frederic I. had set forward on his great expedition for the rescue of the Holy Land, with a well-appointed and numerous

[v] *Baron.* an. 1191, § 2-8. pp. 626-628. None but cardinal-bishops, priests, and deacons were present; the votes were taken by a select committee, previously elected for that purpose. The successful candidate was to unite "majorem et meliorem partem" of the suffrages, so that a simple majority was insufficient. But we have no intimation as to who the "meliores" were. Perhaps we may be allowed to conjecture, by reference back to the election-law of Nicolas II. (see Book x. c. i. p. 161), that by the term "meliores" was intended the cardinal-bishops, a majority of whom, when added to a majority of the two inferior orders, would constitute a valid election. The inauguration of the new pontiff was conducted in a spirit of minute symbolism, of which we have no previous example.

Crusade and death of the emperor Frederic I.

army. By strict discipline and the severe repression and punishment of crime, injury to the persons and property of the inhabitants of the countries on the line of march was in a great degree prevented; the intrigues of the miserable court of Constantinople were defeated; the army passed with little loss into Asia, and, after an heroic campaign against the Turks of Iconium, had opened for itself a free passage to the Holy Land. But the accidental death of the Emperor, in the month of June 1190, in crossing the river Kali-Cadnus in Cilicia, brought the only expedition for the delivery of the Holy Land conducted upon true military principles to an inglorious termination, and at the same time led to several changes in the outward position of the papacy of a very critical character.

Marriage of Constantia of Sicily with Henry VI.

In the year 1189, William II., surnamed the Good, king of Sicily and lord of all the Norman provinces in Southern Italy, had died without issue. The succession in the legitimate line consequently descended to his aunt Constantia, a posthumous daughter of his grandfather king Roger II. Three years before this, the princess, at the age of thirty-one, and destitute of personal attractions, had married king Henry, afterwards Henry VI., who had just attained his twenty-first year. When the engagement was first contracted, and before its completion, pope Lucius III. had remonstrated against the project at the court of Sicily, but died before he could take any active steps to prevent the marriage. His successor Urban III. endeavoured to disturb the amicable relations between the Emperor and the Lombard league, but without effect; and the marriage was celebrated at Milan with extraordinary magnificence, on the 27th of January 1186. The advantage to the Emperor, and the danger to the Pope, if Frederic should succeed in establishing the claims of Constantia to the crown of Sicily, with the lordship of Apulia, Campania, and Calabria, were unmistakable; the pontifical states would thereby become enclosed by a hostile cordon on all sides;

communication with north and south would be cut off, and the pontiff deprived of the important resources which his predecessors had hitherto derived from the Norman principalities against the imperial arms and influence.

But a pretender to the crown of Sicily was found in the person of Tancred, count of Lecco, a natural son of Roger II., and brother of Constantia. The new king was generally acknowledged by the estates of Sicily and Apulia, and speedily enfeoffed by pope Urban III. as the legitimate successor of his cousin William II.

Tancred king of Sicily, &c.

Henry VI. was otherwise too much engaged to make good his claims against the gallant usurper. His first object was the imperial crown; and that high honour he claimed upon the ground of independent hereditary right. With a view to intimidate pope Cœlestine III., he appeared in the year 1191, at the head of a powerful army, at the gates of Rome. In vain the Pope procrastinated and sought to gain time to make terms with the King. The Romans entered into a separate compact with Henry, and obtained from him a cession of certain castles within the Tusculan territory, which had hitherto given them much trouble; they, on their part, promising to intercede effectually with the Pope for an immediate and unconditional coronation.[w] After this there was no further difficulty with the pontiff. The usual oaths, to be faithful to the church and to observe the ecclesiastical laws, with a further stipulation to surrender the city of Tusculum to the Pope, were taken; and Henry was solemnly crowned Emperor of the Romans, on the 14th of April 1191,[x] in

Coronation of Henry VI.

[w] *Arnold et Helmold*, Chron. Slavor. lib. iv. c. iv. an. 1191, p. 629.

[x] *Roger Hoveden*, ap. Savile, p. 689, tells us that the Pope, after placing the crown upon the head of the Emperor, gave it a push with his foot, and sent it rolling on the floor of the church. But no other writer of the age mentions the incident. The intolerable insult must, one would have thought, have attracted the attention of the Emperor's attendants, unless the circumstance had been merely accidental. It is clear that, if it happened at all, no special significance was attached to it at the time. *Baronius* (an. 1191, § 10, p. 630), however, informs us that it was intended to convey the intimation that it was the right of him who gave, also, when necessary, to take away the gift.

the church of St. Peter. Tusculum was without delay delivered to the Pope, and by him transferred to the Romans; and in a short space of time not one stone was left upon another of the once flourishing city. The citizens, it is true, were spared, and transplanted to villages and hamlets in the immediate neighbourhood; but we should be sorry, with cardinal Baronius, to regard this niggard clemency as an atonement for one of the most profligate bargains which had ever disgraced the Holy See.[y]

Henry VI. invades Southern Italy.

After his coronation Henry VI. invaded Southern Italy in the hope of putting himself in possession of his wife's inheritance. The whole of Campania and the Neapolitan territory fell into his hands; Naples was invested with every prospect of success, and the port was blockaded by a fleet of Pisan galleys. But the garrison of the city made a gallant defence, and were soon supplied with provisions and munitions of war by a powerful fleet from Sicily; the Pisan galleys were put to flight; and now, as on so many former occasions, the pestilential effects of the southern climate became fatally apparent on the health of the troops. In addition to these misfortunes, the empress Constantia had, by the misplaced confidence of Henry in the fidelity of the citizens of Salerno, fallen into the hands of the pretender Tancred, and had been carried off a prisoner to Messina. The retreat of the Germans was followed by similar calamities to those which attended the imperial army in 1178,[z] and Tancred recovered almost the whole of the ground lost in the first onset of the imperial forces. The danger to the papacy passed away for the moment; and for a period of rather more than two years and a half Tancred successfully kept in check the garrisons left by the Emperor in the Apulian and Campanian fortresses, and humbled the few Apulian barons who still held out on behalf the legitimate queen. But in the year 1194 the gallant prince breathed his last; it is said, from grief at

His retreat.

[y] The city of Tusculum was never rebuilt. The modern village of Frascati is supposed to occupy its former site.

[z] See c. v. p. 145 of this Book.

the death of his promising eldest son Roger. In the interim, however, the empress Constantia had, at the intercession of the Pope, been generously and honourably released from captivity; and the death of her brave and loyal competitor opened a prospect of speedy reinstatement in her hereditary throne. The Emperor himself lost no time in elaborate preparations for a southern campaign. By boundless promises of commercial advantages, the greedy citizens of Genoa and Pisa were gained; the whole of the formidable maritime forces of both republics were placed at his disposal; and the timid policy of pope Cœlestine III. declined all interference with an enterprise which, with all its political perils, was too strongly impressed with the character of legitimacy to be directly opposed. It is only necessary to the purposes of this work to observe, that the expedition was completely successful. Province after province submitted to the cruel and faithless husband of Constantia, and within a few months the whole of Southern Italy and the kingdom of Sicily did homage to the emperor Henry VI. Every promise made to his allies was unscrupulously broken; treachery and bloodshed marked every step of the conqueror: the infant king William, son of Roger and grandson of Tancred, was emasculated and blinded by order of the tyrant; and his mother, queen Sibylla, incarcerated in different convents in Germany for the remainder of her days.[a] If we believe in providential retribution even to the third and fourth generation of them that do evil, we should pronounce that, by the judicial cruelties and murders of the 26th of December 1194, Henry of Hohenstauffen had dug the grave of his race and name.[b] On that very day his empress Constantia

Death of Tancred.

Liberation of Constantia.

Conquest of Sicily, &c. by Henry VI.

[a] She had surrendered to Henry on the express stipulation that the abdicated prince should be reinstated in his father's counties of Lecco and Avelino, upon doing homage to the new king. A fictitious charge of conspiracy was, however, brought against him, his mother, and other persons of influence whom Henry wished to get rid of; the poor little prince was cruelly mutilated, and the accused persons either hanged or cast into dungeons. The Pisans and Genoese quarrelled, of course, over their booty; and under that and other pretences the Emperor mulcted them of all the promised advantages.

[b] Nothing more was ever heard of the miserable youth William. A report is current that he lived and died

bore him a son, whose virtues may have retarded, but could not avert the impending fate of his family. These cruelties, and the utter faithlessness of Henry, at length roused pope Cœlestine to a sense of what was due to divine and human justice, and the great malefactor was publicly denounced and excommunicated.[c]

The crusades; their advantage to the advance of the papal power.

But these events are connected with some considerations of importance to our subject arising out of the history of the crusades. No incidents in the annals of the papacy were better adapted to place the pontiff of Rome in the most prominent position before the world. The irregular and undisciplined enthusiasm of the nations of the West demanded a leader; and who more qualified for the office than the reputed father of Christendom—the guardian of religion, and the source of its holiest aspirations? Among these aspirations none stood out before the eye of the world in more majestic proportions than the liberation of the land in which the Saviour of mankind was born, lived, and suffered, from the hands of the infidel desecrators of his tomb,—the detested oppressors of the pious visitants to the scene of his passion. From the days of Urban II.[d] the pontiffs of the Holy See never lost sight of the advantages of their position; they became the directors, and in some respects the commanders-in-chief of the vast movement. From the conquest of Jerusalem by Godfrey of Bouillon they had not ceased to take a leading part in all the enterprises which succeeded the first successful venture. They had carefully improved the opportunities which those enterprises offered for enthralling the public conscience, and advancing the powers of the clergy. The religious police of Europe had in a great measure fallen into their hands, and they had assumed the command of the requisite civil and mili-

as a recluse, in the vicinity of Chiavenna.

[c] *Baron.* an. 1195, § 5, p. 693. In the episodic portions of our narrative we have not thought it necessary to encumber our pages with references to sources of information open to every one. But see Gest. Innocent III. for a consecutive account of the conquest, § 18, 19, 20, ap. *Baluz.* i. p. 5.

[d] See Book xi. c. iv. p. 565 of this work.

tary constabulary for the execution of their mandates. They had established new civil rights, they had dispensed with civil obligations, they had cancelled private debts, and opened prodigious sources of gain to the wealthier members of the hierarchy. The religious excitement of the public mind which resulted from the preaching of the crusade favoured the emancipation of the clergy from secular burdens; and when the first ardour of enthusiasm had passed away, the representative of St. Peter still found that his spiritual keys might fit the locks of the earthly treasuries of power and wealth.[e] Nor was the spirit of the crusade to be confined to the overthrow of the enemies of the cross in Palestine. Under the hand of the Roman magician it was found capable of indefinite expansion. The enemies of Christ were the enemies of his earthly representative; and when the same religious and temporal advantages might be gained at home by the easier and cheaper process of exterminating the enemies of the Holy See, the same machinery became equally ready and convenient for the destruction of heretics as for the overthrow of Saracens.

The spirit of the crusade.

Still we would not be understood to deny that there was in the spirit of the crusade a strong tincture of genuine religious sentiment; we do not even question that this very sentiment was the leading impulse of the great movement. Pope, clergy, and commonalty agreed in an earnest confession of public and private sins; all desired to atone for past transgressions in the mode which was presented to them—ignorantly enough—as the most pleasing to their offended Maker; and all who took the cross in spirit and in truth were ready to sacrifice life, property, and domestic ties to the supreme duty of destroying God's enemies, and rescuing His inheritance from their hands. To this end the "Truce of God," with all its restraints upon vulgar passions, all its sacrifices of private resentments, all its renunciations of revenge for outraged rights, was adopted into the law of the civil state, and commonly, though not universally, accepted and observed. Such was the general

[e] Conf. Book xi. c. 4, pp. 567-569 of this work.

character of the movement in its religious aspect. But when, by the recapture of Jerusalem by the Saracens, in the year 1188, the heart of Christendom was shaken to the core,—when it became clear that by the negligence, the supineness, and the crimes of the sworn protectors of the holy sepulchre, the sacred inheritance had been permitted to fall back into the unhallowed hands of the infidel,—the whole of the western world resounded with the clamour of repentant grief and remorse. It could not be urged in extenuation that ample notice of the peril of the holy land and its unholy defenders had not been given. In the year 1185 the kings of France and England received supplicatory embassies from Palestine, describing minutely the dangers at hand, and the impossibility of much longer defending "God's inheritance" without the personal presence and superintendence of the princes of Christendom. Henry of England promised his aid; Philip Augustus of France directed the crusade to be preached; archbishops, bishops, and barons of both kingdoms enthusiastically assumed the outward badge of the holy war. The monarchs, however, declined to lead the way; but without their personal presence nothing was gained; no irregular or undisciplined movement could now be of avail; and the envoys retired in grief and disappointment.[f] Within less than three years Jerusalem was lost; and the conscience of the western world sunk, self-convicted, in dismay and regret at the feet of the reputed father of all Christians, humbly imploring him to dictate the terms of pardon and peace.[g]

Spiritual privileges granted to the crusaders.

During his short pontificate of a few weeks only pope Gregory VIII. issued encyclical letters to "all the faithful," deploring the terrible scenes of slaughter that followed the decisive defeat of Tiberias,[h] the capture of the true

[f] *Hoveden*, ap. Savile, p. 628; *Baron.* 1185, p. 554; *Pagi* ad *Baron.* p. 555. Conf. *Harduin*, Concil. tom. vi. p. 1890.

[g] By the battle of Tiberias king Guy of Jerusalem, with the holy cross and nearly all the Templars and Hospitallers, fell into the hands of Saladdin. The latter paid the penalty of their treachery with their lives; almost all the cities of Palestine fell into the power of the Sultan, and on the 3d October 1187 Jerusalem surrendered to the Turks, after it had been eighty-eight years in the possession of the Christians.

[h] More properly called the "battle of Hittin," not far from Tiberias.

cross, the slaughter of the Templars and Hospitallers before the eyes of the captive King; he acknowledged and bewailed the crimes which had drawn down this signal punishment upon the heads of the sinners of Palestine and of Christendom in the mass; for all had sinned, all had incurred the divine wrath; and all must now testify their repentance by an unalterable resolution to retrieve the errors of their life past, in one combined effort to rescue the grave of the Saviour from the hands of the enemies of God and man: yet the church, in her mercy, would not withhold those unmerited boons accorded to all who, in the true spirit of penitence, should, with arms in their hands, hasten to the relief of the remnant who still continued true to the holy cause: all privileges and indulgences which had been hitherto granted to the soldiers of the cross should therefore be extended to them, their families, and properties, "during their absence."[i] It was resolved in the curia that the cardinals should take the initiative, and precede the rest of Christendom in the holy warfare: a seven years' truce was to be enjoined upon all Christian princes and nations; and any one of the number who should break the peace within that period was to be smitten with the rod of the anathema by every bishop of the church, from the highest even to the humblest of all such sinners; and that the members or officers of the curia should receive no other presents or perquisites in any cause before them, but only such as were necessary to their daily subsistence; nor mount a horse as long as the holy sepulchre should be trodden under the foot of the infidel.[j] A general purification of morals was proclaimed; no one should utter an oath; no gambling or games of hazard should be tolerated; no person should be permitted to take wife or woman with him on the holy pilgrimage; no luxury of dress or equipment to be allowed. And for further encouragement of the movement it was ordained that all proprietors of mortgaged estates should enjoy one year's clear revenue from them;

[i] This brief is dated 29th Oct. 1187. *Hoveden*, ubi sup. p. 637. Conf. *Baron.* an. 1187, § 13-16, pp. 585, 586.

[j] *Hoveden*, ubi sup. p. 640.

at the end of which the rents and profits to revert to the mortgagee; but in such wise that, during the absence of the mortgagor, all the issues of the land should go in part payment of the principal debt,[k] and be deducted in the final account.

Levy of the Saladdin tithe.

During the paroxysm of alarm and compunction the kings of France and England had entered into a treaty[l] for a common crusade; and for that purpose they had imposed and levied a general tax upon all classes, clergy as well as laity, called the *Saladdin tithe*, to be wholly devoted to the service of the crusade. But the principle of immunity from all public burdens had taken deep root in the minds of the churchmen; and now the trumpet of resistance was sounded by Peter of Blois, archdeacon of Bath. "On no pretence," he declared, "could temporal princes be permitted to plunge their unhallowed hands into the pockets of the poor of Christ, or to take away the funds devoted to charity for the service of a temporal warfare: no prince has the right to demand from the priests of the Lord any other service than their prayers; for they are the mediators between God and man, and their sole duty is to offer sacrifice for king and people: this is the *Gospel-liberty* of the church; and no king shall be permitted to invade it; for that were to reduce the sons and friends of God to an ignominious servitude to the princes of the world: it is their duty to protect the church against all exactions, and to remember *that the power to bear the sword granted to them by the church is not to be used against the church:* it is the want of faith, and not the want of money, which has given occasion for this invasion of the rights of the clergy."[m]

Protest of Peter of Blois.

Impediments to the projected crusade.

But a more formidable obstacle to the crusade agreed upon at the conference of Gisors arose out of a sudden breach between the two kings, which ended in open warfare. With the assistance

[k] So, at least, we understand the ordinance, as stated by *Hoveden*, ubi sup. p. 641.

[l] At a conference at Gisors.

[m] See the wordy manifesto of Peter of Blois *in extenso*, ap. *Baron.* an. 1188, § 8-15, pp. 593-595. The reader may possibly be struck by the conformity

of the traitor princes Richard and John, king Philip Augustus of France had extorted an ignominious peace from the aged and infirm Henry II. of England. On the 6th of July 1189 the unfortunate prince descended in sorrow to the grave, and his reprobate son Richard I. reigned in his stead. In defiance of the menaces of pope Clement III., Philip had recklessly pursued his ambitious projects against the continental dominions of the English king. The papal legate was plainly told "to do his worst; the court of Rome had nothing to do with his measures for reducing the rebellious vassals of his crown to obedience."[n] Amid these contentions, the joint crusade had been wholly lost sight of in France and England. In Germany a more sincere sense of obligation prevailed in the minds of the sovereign and people. All were profoundly in earnest in their purpose of delivering the sepulchre of the Saviour from the hands of the infidel. The gallantry, integrity, and talents of the Sultan of the Turks had attracted the respectful attention of the high-toned spirit of the emperor Frederic. An intercourse of courteous friendship had hitherto taken place between them; but the ignominy of the cross put an end to all regards; and Frederic, in an autograph epistle, challenged the surrender of the holy places, upon pain of immitigable war[o] with the whole force of his empire. A great diet had been in the interim convoked at Maintz, in the Lent of the year 1188. Here the Emperor solemnly took the cross from the hands of the legates, Henry of Albano and the bishop of Würzburg. With him his gallant son Frederic, duke of Swabia, and a host of princes, bishops, barons, and gentry of the realm devoted themselves, their lives and fortunes, to the rescue of the holy sepulchre.[p] The unfortunate issue of this great and promising expedition has been already alluded to,[q] in connexion with another

The Germans in the crusade.

of this declaration with the idea of the sacerdotal function in the Isidorian decretals; for which, see Book vi. c. 7, p. 192, et sqq.

[n] *Hoveden*, ubi sup. p. 652.

[o] *Ibid.* p. 650. And see the courteous and temperate reply of Saladdin, ap. *Matthew Paris*, ed. Watts, p. 122.

[p] *Arnold of Lübeck*, Chron. Slavor. lib. iii. c. 28, ap. *Leibn.* ubi sup. p. 676. Conf. *Raumer*, Hohenst. vol. ii. p. 411, note (2). See also *Pagi*, crit. ad *Baron.* p. 596.

[q] P. 300 of this chapter.

portion of our subject. The death of the Emperor left the army, though still strong enough in point of numbers to accomplish the object of the crusade, without a chief capable of enforcing the discipline necessary for the support and health of the troops. Under the command of Frederic of Swabia, the German host reached the friendly city of Antioch without serious loss. But here the change of climate and of diet became more fatal to the health of the soldier than the sword of the enemy. Fevers and dysentery carried off great numbers; and with the remnant Frederic of Swabia hastened to join the Christian forces under king Guido of Jerusalem and the Marquis Conrad of Montferrat, then engaged in the siege of the strong Turkish fortress of Accho[r] or Accon. But Frederic died of the epidemic of the country on the 20th of January 1191,[s] consequently nearly three months before the arrival of the crusade under king Philip of France in Palestine, and five months before that of Richard of England.[t]

Failure of the crusade.

We are no further concerned with the results of these costly and ill-conducted expeditions than as they contributed to the consolidation of the spell which bound the western world to the chariot-wheels of the "successor of St. Peter." In the winter of the year 1193 king Richard I. of England quitted the scene of his barren glories in Palestine. The story of his untoward journey homewards, and of his shameful detention by Duke Leopold of Austria, needs not to be rehearsed. Admired for his lavish generosity, his lion-hearted gallantry and soldierly conduct in the field, he had been emphatically the soldiers' darling. But he had drawn down upon his own head the unmitigated hatred of their chiefs by an ambition and an arrogance uncontrolled by any considerations of policy, or even of common courtesy.[u] His numerous enemies might have despaired of an opportunity to wreak their

and captivity of Richard I. of England.

[r] The modern town of St. John of Acre. It is often called by its Greek name, *Ptolemais*, in the writings of the historians of the Crusades.

[s] *Arnold of Lübeck*, ubi sup. pp. 682, 683.

[t] Philip arrived before Accho on the 20th of April 1191, and was followed thither by Richard on the 8th of June in the same year.

[u] One might challenge historians to point out a more perfect "counterfeit

vengeance upon the head of the dreaded hero, if accident had not thrown it in their way. Richard was now the prisoner of his sordid foes. Beset by the rapacious demands of the German, the intrigues of his inexorable rival and enemy Philip of France, and the detected treason of his evil-minded brother John in England, any weaker mental constitution must have sunk into inaction or despair. But the buoyant spirits of Richard defied this host of mishaps with the same cheerful countenance as that with which he would have encountered single-handed a legion of enemies in the field. Meanwhile, however, his captivity was protracted with a view to increase the natural impatience of the prisoner, and to enhance the money-value of his liberation. Pope Cœlestine took some steps to vindicate the honour of the Holy See, and to redeem the obligations contracted before the world on behalf of the foremost soldier of the cross. Excommunication and interdict were threatened, unless the full amount of the ransom was returned. But the papal thunders were thrown away upon the obdurate Emperor; and the extorted treasure was applied to the use of his Sicilian expedition.

Relations of the English and Scottish churches to the papacy.

Some notice of the relations of the English and Scotch churches to the papacy during the five pontificates succeeding that of Alexander III. is necessary to account for that more conspicuous leaning towards the see of Rome apparent in the subsequent period. In the spirit of the English prelacy we have hitherto observed a degree of attachment to ancient law and custom materially obstructive of the Roman pretensions. The tragical death of Becket had, however, toned down this disloyal habit. There had, indeed, always been among them a leaven of canonism, which operated much to the advantage of the papacy. No pains were now spared to improve this impression by the means most congenial to the religious temper of the age. The mortal remains, the garments,

presentment" of the medieval warrior-prince than is reflected in the character of Richard the Lion-hearted.

and every article that had ever been in contact with the person of the martyr, were invested by his zealous biographers with that miraculous virtue which was generally regarded as the most convincing proof of the divine approval, not only of the personal merits, but of the whole course of the life and action of the subject of such endowments. Injury or insult to the martyr while living were the subjects of divine visitation after his death. Thus the premature death of the junior king Henry, eldest son of Henry II., at the age of twenty-nine years, was ascribed to the original sin of his irregular coronation, to the prejudice of the martyred archbishop.[v] Peter of Blois, the beatified archdeacon of Bath, blew a loud blast of the ecclesiastical trumpet against archbishop Richard of Canterbury, for neglecting to carry on the religious agitation from which the disciples of Becket had promised themselves incalculable advantages; and for devoting himself too exclusively to the repair of those dilapidations and damages which the estates of his church had suffered during the exile of his predecessor. Visions of supernatural portents and warnings were brought to bear upon the alarmed conscience of the aged sinner, and he speedily left the field open to his censors.[w]

Dissensions in Scotland.

In the year 1182 Roger archbishop of York, in the character of legate of the Pope for Scotland, had excommunicated king Alexander and interdicted the kingdom, for the offence of instituting, perhaps somewhat arbitrarily, his own nominee to the metropolitan see of St. Andrew's, in prejudice of the franchise of the chapter, and without the consent of the legate. Pope Lucius III., however, dissolved the excommunication, reserving to himself the adjudication on the merits of the rival candidature.[x] Upon the appeal, Hugh, the royal nominee, was confirmed in the see of St. Andrew's, and John was indemnified by the bishopric of Dunkeld.

[v] *Hoveden.* See also *Matth. Paris*, and the other authorities quoted by *Pagi*, ad *Baron.* an. 1183, p. 587. Conf. c. vii p. 254 of this Book.

[w] See the whole affair, ap. *Baron.* an. 1184, § 3 to 6, with the letter of Peter of Blois *in extenso*, pp. 546, 547. The cardinal does not doubt that archbishop Richard was doomed to eternal damnation.

[x] *Hoveden*, ubi sup. pp. 616, 617. Conf. *Baron.* an. 1182, § 1, 2, p. 529.

But king Alexander declined to admit the new bishop to the temporalities of the see; and John, regarding the refusal as a rejection of the adjudication, revived his original claim. The quarrel was protracted for a period of more than six years; pope Urban III. had confirmed the decree of Lucius III., and charged the king with the execution.[y] It appears, however, that the dispute was not finally adjusted till the year 1188, when Alexander was prevailed upon to admit the title and restore the temporalities of the bishop of Dunkeld, upon condition of his relinquishing his claim to the metropolitan see of St. Andrew's.[z] The accommodation was accompanied with the express stipulation that thenceforward none but a legate *à latere*, specially thereunto appointed, should be intrusted with power to excommunicate the king of Scotland or interdict the kingdom, and that no national or provincial bishop should ever again be permitted to exercise such power.[a]

Triumph of sacerdotal influence in England.

In England the death of Becket had been diligently improved by the disciples of his school. Biographies and memoirs of the martyr had been multiplied and scattered abroad with surprising industry. The composition of such works had become a favourite exercise of ecclesiastical scholarship.[b] Indulgences were published; pilgrimages to the shrine of the martyr for the remission of sins became fashionable; the worship of the champion of priestly and pontifical privilege was the absorbing object of popular devotion at home, while the enthusiasm of the crusade tended still further to divert public attention from the advances of priestly influence. Intercourse with Rome and the foreign schools of canonism met with no impediment from an over-awed and conscience-stricken government. Letters and briefs, legates and agents, passed to and fro without let or hindrance. The eye of the religious

[y] See the papal rescript of the 1st July 1186 from Verona, ap. *Hoveden*, ubi sup. p. 632.

[z] The archbishop did not long enjoy his recognised dignity. He died at Rome in the course of the year 1188. *Baron.* et *Hoveden*, an. 1188, § 20, p. 599.

[a] *Baron.* an. 1188, § 21, p. 600.

[b] See the long list still extant of the "Vitæ S. Thomæ" in the title-pages of *Giles's* two volumes entitled "Vita S. Thomæ, Archiep. Cantuar. et Martyris, &c."

public became more steadily fixed upon Rome as the one source of power and authority in both worlds; and king Henry II. himself plunged over head into the open gulf of canonism when he accepted from pope Urban III., for his son John, a crown of peacock's feathers in token of investiture of the kingdom of Ireland.[c] The concurrent effect of these causes and incidents was to relax the hitherto wakeful jealousy of the guardians of the law, and to promote that absorption of the state into the church which was now the all but verbally proclaimed object of pontifical pretension.

King Richard I. and bishop Hugh of Lincoln.

The high tone in which the kings of England had hitherto interfered in the distribution of ecclesiastical patronage had sunk into a whisper, or was heard in modest recommendation or petulant complaint. Hugh, bishop of Lincoln, a true disciple of the new school, boldly excommunicated the King's foresters,[d] and abruptly rejected Henry's request to appoint one of his chaplains to a stall in his cathedral. "Promotion in the church," he said, "was not meant for courtiers, but for the *servants of the King of kings:* let the King reward his own menials, and not strive to provide for them at the expense of the servants of Almighty God." King Henry admitted the uncivil plea of the bishop; and the latter condescended to absolve the excommunicated foresters.[e] The death of Henry II., and the succession of his son Richard I., put the chiefs of the pontifical clergy upon their mettle. Bishop Hugh of Lincoln and archdeacon Peter of Bath presented themselves in the front of the battle with a courage worthy of the disciples of Becket. Richard demanded a subsidy for his crusade alike from clergy and laity. In the convocation called for that

[c] *Hoveden,* ubi sup. pp. 631, 634. The writer tells us that Urban III. sent without delay two legates to England to crown John king of Ireland; but that the King put the matter off for the present. May he not have begun to suspect the miserable impolicy of the request?

[d] Probably for punishing summarily infractions of the barbarous forest-laws of the age by clerical offenders; or—in the language of the complainant—for molesting churches and churchmen, *i.e.* clerical poachers.

[e] *Baron.* an. 1186, § 17, pp. 568, 569, with the bouncing title of archdeacon Peter of Blois, *ibid.* § 18.

purpose bishop Hugh carried the day, and the subsidy was refused. The King, in a fury of rage at the disappointment, directed the bishop to be ejected, and his temporalities to be seized to the use of the crown. Hugh retaliated by excommunicating the royal sequestrators by the sound of the bells of all the parishes in his diocese. Stories were assiduously put about of the terrible judgments which had on former occasions stricken the adversaries of the holy prelate, and the officers retired in panic terror lest the like visitations should befal themselves. There is a class of persons in the world to whom bold and persistent opposition affords a gratifying exercise of their own pugnacious dispositions. When this temper is found in combination with the quality commonly called good-nature, the bold opponent has, if prudently advised, often succeeded in making a friend or even a convert of his antagonist. Bishop Hugh took advantage of this peculiarity in the character of the lion-hearted King. He himself was not deficient in either of the qualities he had observed in king Richard. He knew how far courage and coaxing might avail him to alter the King's mind; and he boldly bearded the lion in his den. In contempt of the warnings of the courtiers, he sought the offended monarch in his presence-chamber; but, not finding him there, he went straight to the chapel, where Richard was hearing mass, and, with undaunted assurance, demanded from the King the kiss of peace. The latter retorted that he had not deserved it. Hugh rejoined that he had richly deserved, and would have it; and boldly seizing the King by the collar, he extorted the boon. Richard, we are told, laughed heartily, and gave back the kiss of his own accord. Both were lion-hearted in their own way. Richard may have partaken in a moderate degree of the fears which had paralysed the sequestrators who went to seize the bishop's goods; Hugh was freely forgiven, and the subject of the tax for the holy war appears to have been dropped by mutual consent.[f]

[f] *Baron.* an. 1189, § 2, extracted from *Surius*, tom. vi. die 17th Nov.

The English clergy refuse contributions to the holy war.

We learn incidentally that the English canonists had taken a step in advance of their Roman instructors. Hugh of Lincoln and Peter of Blois had, it is true, preached the crusade with wonderful zeal and success.[g] But their eloquent lips closed in mute dismay at the mention of a tax upon the "patrimony of the poor," as it pleased them to call an amount of revenue which absorbed from a third to a half of the rental of the kingdom. The Pope might decree contributions for the holy war leviable alike upon clergy and laity; but the faithful canonist declined to admit any plea for the breach of the divinely-established principle of the inviolable sanctity of the outward as of the spiritual substance of the church. It was plausibly alleged that the subsidies for the delivery of the Holy Land, when levied, would be diverted from their destination, and applied by the sovereigns to their own selfish and corrupt purposes; but the real objection always was, that the principle of taxation was inapplicable to church estate. The simple office of the priests of the Lord was to point out the enemy to be encountered, and to pray for the success of the righteous combatants; they were to hold up the hand during the battle with the Amalekite, but on no account to be called upon to draw the sword, nor to put their hands into their pockets for that or any other secular purpose; in short, temporal reciprocity as between layman and priest, church and state, was not to be whispered to ears devout.[h]

Expulsion of the regent-legate, William of Ely.

Opportunities were not wanting to the indefatigable archdeacon of Bath. William bishop of Ely had, with the concurrence of the Pope, been appointed by king Richard, while absent on the crusade, as chancellor, chief justiciary, and papal-legate for the kingdom of England. Though a person of mean parentage, he had raised himself to high favour with the King. But the son of the French peasant entertained the derogatory opinion of the English people common to the foreign importations of our Plan-

[g] See *Baronius'* description of the pious zeal of archdeacon Peter, an. 1189, § 8, p. 611.

[h] Conf. p. 308 of this chapter.

tagenet princes, among whom Peter of Blois himself was no exception. Unfortunately for bishop William, the century which had elapsed since the Conquest had created a national spirit out of harmony with the temper of the foreign adventurers, who still presumed upon the supremacy of the Norman race. The haughty and contemptuous bearing of the bishop-regent produced general disgust, and the public discontent found a spokesman in Hugh Nonant, bishop of Coventry. The regent had contracted additional odium by his ready instrumentality in the illegal exactions of the King, whose necessities impelled him to the most extraordinary and vexatious modes of raising money. These demerits, and the treasonable countenance afforded by prince John to the malcontents, drove the regent from the kingdom. The violent expulsion of a papal legate inspired Peter of Blois with unspeakable indignation. He wrote a vindication of the regent against the foul libel published by Hugh Nonant, which had given the first impulse to the general discontent, and led to the exile of the bishop. Meanwhile the archbishop of Rouen had assumed the regency, and excommunicated the regent himself. The latter, however, retorted the curse upon the heads of his enemies; and as legate of the Holy See committed the execution of the sentence to his friend the saintly bishop Hugh of Lincoln. A brief of pope Clement III., addressed to all the archbishops and bishops of England, confirmed the censures of the regent, and commanded them to excommunicate prince John and all who had laid sacrilegious hands upon the sacred person of a legate of the Holy See.[1] Armed with these powers, William directed the bishop of Lincoln to lose no time in assembling a general synod of the English prelacy, and publishing sentence of personal excommunication and territorial interdict against his enemy Hugh Nonant of Coventry and all the principal officers of the government, including specially the archbishop of Rouen, bishop Godfrey of Winchester, Stephen Riddell chancellor of prince John, and the Earls

The bishop of Ely excommunicates his enemies.

[1] The brief is dated the 2d of December 1191.

Marshall and Salisbury. The regent, indeed, thought proper to except prince John himself from the general doom; but he indemnified himself by exacting the most rigorous execution of the curse against his enemies the archbishop of Rouen and the bishop of Coventry.[j] He dissolved the new regency, and prohibited all persons from yielding obedience to their orders.[k] But this champion of "the church of God and of His priests" had mistaken his position. The bishops of England treated his maledictions with neglect or contempt, and showed no disposition to become the instruments of his revenge. The archbishop Walter of Rouen and the justiciaries of England, as acting regents in common with the bishops and barons of the realm, repudiated the legatine powers of William of Ely; they ejected him from his bishopric; sequestered his revenues to the use of the King, in part discharge of the sums of money of which he was believed to have robbed the treasury; and sent to the King an elaborate report of their charges against the late regent, and of their proceedings in consequence of the detection of his delinquencies.

Absolution of the English delinquents.

In these disputes, however, the success of both parties was pretty evenly balanced. Though the regent-bishop could not retrieve his losses in England, he had proved too useful an instrument for raising money for the needy and prodigal Richard to forfeit place or favour. Meantime pope Cœlestine III. took up the cudgels, right or wrong, against the violation of the sacred right and authority of a legate of the Holy See. The archbishop of Rouen and the English regency appealed energetically against the pontifical decision affirming the late regent's sweeping interdicts; and at length so far prevailed as to procure the absolution of the archbishop and all whom the legate had excommunicated; but no persuasion could in-

[j] And the reason for this severity—"ne diutius in *ecclesiam Dei* et sacerdotes ejus *laicalis iniquitas* malignetur, ne tergiversatione vel dissimulatione illorum malitia vobis debeat imputari."

[k] In another letter he directed the bishop of Lincoln to seize all the estate and revenue of that ancient sinner, John archdeacon of Salisbury, as the most malignant enemy of king and kingdom, as well as of himself, the regent.

duce the pontiff to withdraw the legatine powers; thus leaving in his hands the means of creating fresh disturbances and harassing his enemies in the country. William of Ely, however, did not long survive his expulsion; the Pope had vindicated the honour of his legate, yet prudently avoided further risk to the authority of the Holy See in England. He was throughout regarded and appealed to by both parties as the arbiter of the controversy; and had managed, adroitly enough, to reconcile his engagements with the King[l] and the interests of the church in that important member of the Latin commonwealth.[m]

Pope Cœlestine III. on the divorce of Philip of France.

The events of the pontificate of Cœlestine III. which followed the release of Richard Cœur-de-Lion from captivity present few points of sufficient interest to detain us. Philip Augustus of France had divorced his wife Ingeburga, sister of Knut king of Denmark, upon pretence of consanguinity. A great assembly of Gallic bishops, under presidency of two papal legates, had pronounced in favour of the divorce. Pope Cœlestine, however, upon the appeal of the injured queen and her brother, reversed the sentence, and severely reprimanded the Gallic bishops for their presumption in pronouncing definitively upon a cause falling under the category of the *majores causæ*, consequently reserved by law and canons to the sole determination of the Holy See. But as no intelligible definition of this class of causes had ever been vouchsafed to church or clergy, the mistake of the French prelacy, whatever the merits of their decision, is easily accounted for. Nor does it appear that either king or prelates paid serious attention to the papal censure. Philip, without hesitation, married, and lived for a period of five

[l] The Holy See had, at the request of Richard, undertaken to guarantee his regulations for the government of the country during his absence in the holy wars.

[m] The narrative of the events of the five pontificates which form the subject of this chapter are principally derived from *Roger Hoveden*, ap. Savile, pp. 702-705; the letters of *Peter of Blois*, ibid. pp. 705, 706: for the later events, *Baronius*, an. 1191, passim; with occasional reference to Prof. *Pauli's* very authentic history of England, vol. iii.

or six years with Mary or Agnes, daughter of the duke of Meran; and the remonstrances of the injured Ingeburga fell unheeded to the ground,[n] till a more energetic hand took up her cause, and reinstated her in her conjugal rights, after a separation of sixteen years.[o]

Death of pope Cœlestine III.

Some few incidents—more especially those relating to the ransom of Richard I.—occurring within the period of this pontificate, connect themselves more naturally with that of the successor of Cœlestine III., and are reserved to the following Book of our narrative. The latter pontiff was in his ninety-second year when he felt the approach of death. After an ineffectual attempt to appoint his own successor, he died on the 8th of January 1198. His pontificate of six years, nine months, and nine days,[p] indicates neither advance nor retrogression of the spiritual powers of the Holy See at home or abroad. But, notwithstanding the security derived from the compact of Lucius III. with the turbulent Romans, the safety of the papacy had been so seriously compromised by political events in its own immediate vicinity, as to tax the vigilance and talents of his successor to the uttermost.

Conclusion of Book XII.

The following Book will be devoted to the important pontificate of Innocent III.; a reign in the course of which an opportunity will be afforded us of contemplating the pontifical system under almost every aspect it is capable of presenting. We believe ourselves entitled to regard the government of Innocent as the culminating period of the papal power. An impulse was imparted to the scheme of the Petrine chair which carried it forward with an irresistible impetus in the path of encroachment upon the rights of humanity and law for a term of nearly a century, the period at which the popes became the vassals of France, and from which the great schism of Avignon takes date.

[n] *Rigord.* de Gest. Phil. Aug. ap. *D. Bouq.* tom. xvi. p. 38, and notes to the passage.

[o] *Rigord.* ubi sup. p. 88.

[p] *Hoveden*, ubi sup. pp. 774, 777. Conf. *Pagi* ad *Bar.* an. 1198, p. 717.

BOOK XIII.

CHAPTER I.

INTRODUCTORY CHAPTER.

Introductory observation—Difficulties of the *subject*—Difficulties of the *arrangement*—Order of arrangement—The papal scheme at the close of the 12th century—is based on territorial possession—Temporal basis of spiritual power in the Middle Age—The "Patrimony Proper"—"Donation of Constantine" and other forgeries—their effect on the papal claims—Effect of the genuine donations to the Holy See—their extent—Donation of Charlemagne—doubtful what territories it comprised—General powers of government exercised by the Popes—Secular opinion of the rights of the Holy See—German opinion—distinguishes *right of possession* from absolute sovereignty—Political position of the papacy at the death of Henry VI.—Internal government of Rome and the "Patrimony"—State of Europe at the commencement of the reign of Innocent III.—France—Philip Augustus—France and England—Philip Augustus and Richard Cœur-de-Lion—their joint crusade, and its consequences—Divorce and re-marriage of Philip Augustus—Germany and Italy—The *political* "imperium" and the *spiritual* "imperium"—Henry VI. in Italy—The imperial governors in Italy—Death of Henry VI.—Its consequences—The Spanish peninsula—The Scandinavian churches of the 12th century—State of the Sclavic churches—Poland—Roman discipline in the Polish churches—in Hungary—Bulgaria—the Byzantine Empire—Jerusalem—Armenia.

Introductory observation.

THE pontificate of Lothario di Segni, under the title of Innocent III., is, not without reason, believed to mark a culminating era of papal ascendency in Western Europe. Certainly no preceding pontiff had ever wrought out the theory of theocratic government with such dogmatic clearness and precision, or brought it into operation with more imposing effect. Although the ground had been carefully tilled by his able predecessors, Gregory VII., Innocent II., Hadrian IV., and Alexander III., it was yet reserved to Innocent III. to gather in the fruits, and to

lay them up in the pontifical storehouse in such variety, and in an order so precise and methodical, as to leave his successors under little difficulty in laying their hands upon any article among the accumulated materials suited to each emergency, religious or political, that might arise in the course of their warfare with an outer world of sin and misery, yet so as to incur the least possible injury to the system itself, springing from its own inherent defects, or the sins of its conductors and agents. And, in truth, the artificer found the ecclesiastical arsenal supplied with almost every weapon that could be forged out of an elaborate theology, or derived from traditional exposition, myth, or precedent; or from a dazzling and imposing symbolical ritual. Ecclesiastical discipline had been raised to a state of efficiency which rendered it of easy management in the hands of the commander of the faithful. Communications had been opened with the remotest members of the Latin communion; the blood of Rome circulated in every artery of her spiritual dependencies; and now there arose a man whose eagle glance took in the whole area of the sacerdotal empire, even to its minutest ramifications; one whose instinctive sagacity assured him that the theory of theocratic government, over which he was called to preside, could only be supported upon the basis of solid territorial possession, and whose energy enabled him to achieve a dominion his predecessors had sighed and striven for in vain.

Difficulties of the subject.

It is a difficult task to unravel a scheme so largely partaking of the religious and political element as that of the papacy. Though we have to deal more especially with the political tendencies of the great Latin scheme, yet we cannot remove it from its religious basis. It would be equally rash to affirm, with one party, that the temporal aggrandisement of the Holy See was the sanctified means for the accomplishment of a purely spiritual and religious purpose; or, with the other, that the religious character assumed was a mere pretext for the gratification of a naked temporal and selfish ambition. If we take for granted the divine authority, or the plenary inspiration of the see of Peter,—and this is the

general aspect in which its apologists present it,—we divest ourselves of the right to presume any other object or design than that of the Almighty Author and Founder Himself, as interpreted by His appointed minister, the Pope. On the other hand, if we treat the religious motive as a juggle and a cheat, we throw out of consideration the most natural and powerful impulses of the human heart. It follows, therefore, that the religious element in the struggle between the civil and the ecclesiastical state must come in as evidence of design and purpose, though the full proof can only be extracted—where at all possible—from the concurrent testimony of facts and principles, both secular and religious. Giving credit for a religious intent wherever it fairly appears, we are bound to ask in what degree that intent entered into and modified political action; in other words, to determine as well as we can the real *practical end and object* of the pontifical aspirations, and thus arrive at certain satisfactory conclusions as to its operation upon the general welfare of society. Such results must take into account the common attributes of the human character, good or bad. Audacity, ambition, tyranny, persecution, cruelty must not be allowed to put on the mask of religion. The oppressor and the inquisitor cannot be permitted to shelter himself from censure under the pontifical robe; nor can the divine decree be pleaded in bar of human judgment upon manifest crime, hypocrisy, or fraud. We deny that any divine ordinance can be produced to change the character of such offences; no sincerity of religious faith can be urged on behalf of a systematic disregard of the laws of God implanted in the heart of man. Those who can thus renounce their own moral nature, whatever the pretext, deserve no other kind of mercy than that extended to lunatics—pity, and (if possible) seclusion from human society.

Difficulties of arrangement.

The great multiplicity of the relations subsisting between the papacy and the powers of the world —a multiplicity augmenting with every step in the advance of European civilisation—makes it inexpe-

dient to follow a strictly chronological arrangement. Any method having the effect of breaking up the narrative into fragments, and thereby disturbing the natural continuity of events, is to be avoided. Every series so connected claims a continuous treatment; and though it be necessary not to lose sight of their incidental relation to other contemporary incidents, yet episodic interruptions to the principal subjects cannot be too carefully shunned. It is true that events simultaneously going on in the same state, kingdom, or scheme of government have always a certain connexion, more or less remote, with each other; and the question whether they shall or shall not be treated in the same series must depend upon the *degree* of that connexion—a degree which may vary from being a sustaining link in the series to a distant or scarcely perceptible bearing upon it or its results. In order that we may be enabled to present each series in its natural order, and as a whole, to the reader, we propose, 1st, to advert to the influences which concurred in forming the *character and opinions* of Innocent III., and to determine the views with which he entered upon the pontificate; 2dly, we must draw attention to his *domestic government*, and his management of the factions which impeded his political action at home and abroad; 3dly, some notice must be bestowed upon his plans of *church government*, and that discipline which enabled him to command the services of the great body of the clergy in the furtherance of his daring political schemes; and, 4thly, we must take a view of his *foreign and external* policy, showing the concurrent effect of the religious and political forces brought into play for the realisation of that scheme of theocratic autocracy in which all his earthly ambition, and all his hopes for the future welfare of mankind, were centered.

Order of arrangement.

But before we enter upon this remarkable pontificate it will be useful to recall to the reader's recollection a few important facts relating to the *territorial claims and acquisitions* of the Holy See, and the *relations of Rome*

to the nations and governments of her communion up to the close of the twelfth century. These topics form the substance of this introductory chapter to the history of Innocent III.

We find that at this period the internal mechanism of the papal scheme had been greatly improved. Its maxims had been defined with dogmatic precision; its machinery had been framed and put together with a skill and forethought beyond the contemplation of the peoples and governments of the world; and its operations so adjusted as to afford important advantages in its encounters with the desultory resistance of its secular opponents. The rude principles of liberty and self-government upon which the public law of Europe was grounded stood before the reflecting minority in revolting contrast with the regular and legal aspect of ecclesiastical legislation and discipline. But there was *one* view in which both schemes of government were thoroughly agreed: *no state*, temporal or spiritual, could support itself upon any other basis than that of *territorial possession*. By this time the Holy See stood before the world as a member—and an important one—of the great community of nations subject to her spiritual sway. It was not conceived that she would stand upon any other basis. No one denied her *right* to acquire and *hold fast* all the lands and territories she could annex to, and embody with, her spiritual empire. Her kingdom was, in lay contemplation,—like every other,—a kingdom of this world, to be supported by similar means, and lifted into power by the same appliances. The resistance to her advances, when they occurred, was prompted by the same motives as those by which the encroachments of secular princes upon each other were encountered. The popes might declaim as long as they liked against the employment of carnal weapons when they or their property were assailed. The powers of the outer world could not be brought to exempt them from the common necessity of defending their acquisitions by the same means as those employed in obtaining them. Thus we have seen pontiffs and

The papal scheme at the close of the twelfth century

is based on territorial possession.

spiritual lords buckling on armour, leading their vassals to the field, and directing military operations with the average courage and intelligence of men of the world; with this advantage, however, that by the judicious use of their spiritual weapons they could often blunt the edge of the temporal sword, and occasionally pierce the armour of the most powerful opponents.

The *temporal basis* of spiritual power in the Middle Age.

This state of things was tacitly accepted both by friend and foe. The world was as fully impressed with the opinion that the Pope of Rome was and must be a temporal prince, as he himself. The means employed to place him in that position differed little from the ordinary expedients resorted to by other rulers for the like purposes: these were, continuous claim, special treaties, rights of succession or reversion, donations, bequests, extortions, &c., and, in the last resort, conquest. Though the religious conscience of the outer world might in some degree be enlisted in the defence of the possessions of the Church, her *right to possess* was only disputed by notorious heretics, or those whom Rome succeeded in branding as outcasts from the communion of all Christians.[a] The men of that age did not readily recognise that which had no tangible and visible existence; thus, those who showed a disposition to impede the growth of the outward body of the Church were naturally suspected of disaffection for her spiritual authority.

The "Patrimony proper."

With this principle in view, we may ask what was the actual amount of power and extent of dominion acquired by the papacy at the accession of Innocent III. The vague and often unintelligible character of all geographical description in the documents of the age makes it difficult to arrive at any accurate notion on the latter point. Even the narrower district, known generally by the name of the *Patrimony Proper*, is not clearly defined. Though the name is often used by writers of a later period, it may be doubted whether the pontiffs themselves ever admitted even a

[a] *e.g.* Arnold of Brescia, Peter Bruys, Henri, &c.

nominal distinction between this portion of their dominions, and the larger claims founded on the documents we have heretofore had occasion to allude to. These documents, as we have seen, were partly genuine, and partly fictitious; but none of them are now forthcoming, either in their originals, or any authentic transcripts. Among the demonstrably fictitious instruments relied upon, the most conspicuous for audacity and falsehood is the so-called *Donation of Constantine the Great.* This document was first notified by pope Hadrian I. to the emperor Charlemagne, in the year 776. It purported to contain a grant from the first Christian emperor to the apostolic Church of Rome, of *imperial authority and dominion over the whole Western Empire.*[b] Other forgeries of a more timid character put forth on behalf of the territorial claims of the Holy See were the supposititious diplomas ascribed to the emperor Louis the Pious, and the so-called "Pactum Ottonis."[c] Though these documents may never have been forthcoming in diplomatic form, the mere allegation of their existence afforded, in a credulous age, an important support to the demands of the papacy against all those European states which had actually constructively formed parts and portions of the old Roman Empire; demands comprehending not only territorial dominion of unlimited extent, but all those attributes supposed to have been inherent in the imperial authority; as, for instance, the right to enthrone and depose kings and princes, to confer sovereign powers, to transfer or to grant regalia and privileges of all sorts. For all these functions St. Peter and his successors claimed, in virtue of the abdication of Constantine in their favour, to be accounted his successors, and the virtual emperors of the West; so as to keep open a pretension to indefinite extension of power and territory, whenever proper opportunity should offer, for putting in operation the whole prerogative of the *imperial* throne of Peter. Though the pontiffs did not

The *Donation of Constantine*, and other forgeries.

Their effect upon the papal claim.

[b] Conf. Book vi. c. 3, pp. 81, 83 of this work.

[c] Conf. Book viii. c. 3, p. 473 of this work.

assume the title of emperor, that circumstance did not, it was said, deprive them of the right to appoint a deputy. And thus, when the empire was revived in the person of Charlemagne, the title, with all its attributes, was, they pretended, to be regarded in no other light than as an incident of the imperium of Peter, and as emanating from the free grant of the spiritual and temporal sovereign of the world.

Effect of the genuine cessions and donations to the Holy See.

It was in this way intended to appear that no part of that imperium had ever been alienated. The whole title still remained intact in the hands of the Pope. What was left to the temporal governments was a simple trust estate for the benefit of the Church, and liable at any time to be resumed by recurrence to the original grant. That which was got back or retained by the Holy See was only a part of her own. Thus the genuine donations of Pippin the Short in the year 752, and of Charlemagne in 774,[d] might be —and were in fact—represented as simple warranties of certain parts and portions of the great whole to the spiritual "Emperor" for his exclusive use and behoof. And when we inquire what these parts and portions were, we find that the earlier cession—that of Pippin—had never been reduced into possession by him, nor by him transferred to the Holy See. No effectual step to place the Pope in actual possession was taken till the final overthrow of the Lombard kingdom by Charlemagne twenty-two years afterwards. We look, therefore, to the latter instrument for an explanation both of the extent and character of the ceded territory. The treaties of Pontyon and Quiercy, between pope Stephen III. and Pippin the Short (A.D. 752), certainly conveyed no other provinces than the Greek possessions claimed by the Pope, and then recently taken from the Byzantines by the Lombard king Aistulph, which Pippin stipulated to be transferred to the see of Rome by the capitulation of Pavia. But the donation of Charlemagne, though on the face of it it professes to be no more than a simple ratification and fulfil-

Their extent.

The donation of Charlemagne.

[d] Conf. Book iv. c. 7, p. 413.

ment of his father's promises, is in fact and substance *an entirely new grant*, comprising an area of at least double the extent of the donation of Pippin.[e] In addition to the exarchate of Ravenna, which was all that is alleged to have been conveyed by the deed of Pippin, Charlemagne, we are told, added several districts in the modern Romagna and Lombardy, together with the provinces of Histria and Venetia, and the great duchies of Spoleto and Beneventum, with the island of Corsica. This deed—of which, however, neither original nor authentic copy has ever been produced—transferred to the see of Rome the whole of central Italy, excepting Tuscany, together with all the southern regions as far as the Straits of Messina; territories, be it remembered, never possessed or conquered by the donor, and which at that time he did not regard as part and parcel of his dominions. The real nature, therefore, of the papal rights under this document is subject to serious doubt. It is, in fact, susceptible of no explanation but what may be derived from the manner in which the presumed cession was afterwards dealt with between the pontiffs and their counter-claimants.

Doubtful what territories it comprised.

Whether upon the strength of these allegations of right, or from ancient usage or acquiescence, we find that towards the close of the reign of Charlemagne the pontiffs of Rome were in the habit of exercising some kind of governing power within the city and the so-called duchy of Rome.[f] This region comprehends all that is now known by the description of the "Patrimony Proper." Beyond this precinct the pontifical claims, whatever they may have been, were a dead letter. Feudal tenants of the empire or kingdom of Italy, bishops, free cities, and rural nobles, governed their subject lands without regard for any superior, and as long as they were strong enough to maintain themselves against their ambitious rivals or neighbours. The

General powers of government exercised by the popes.

[e] Conf. Book iv. c. 7, p. 415.

[f] This ancient Byzantine name embraced, as far as it can be determined, the modern legations north and south of Rome from the town of Radicofani to Terracina or Ceprano, and from the Mediterranean on the west to the confines of Spoleto and the Apennines on the east.

German emperors and their subjects, it is well known, never ceased to regard the whole Italian peninsula, without reference to gifts or donations of any kind, as a dependency of the imperial crown. And although the pontiff himself may have been personally exempted from the obligations and duties of a subject, yet Rome, with its circumjacent territory, was still regarded—the former as the capital of the empire, the latter as a subject province—therefore bound in the ties of allegiance to the head of the state.

Secular opinion of the rights of the Holy See.

Though we can entertain no doubt that the pontiffs of Rome intended the world to believe that, by the treaties and donations just adverted to, they had acquired the "dominium supremum,"[g] or fee-simple, of all the territories comprised in those instruments, yet the revival of the Western Empire in the person of Charlemagne *de facto* altered the relation between the Holy See and the temporal power.

Germanic opinion.

The German sovereign and his constituency, after *that*, never ceased to regard the Pope, in his temporal capacity, as a great vassal of the empire. He became the first bishop and supreme pontiff of the monarchy, exempt indeed from personal and spiritual subjection, but in other respects in no different position from that of the other great prelates of the realm; and, like them, to be invested with the *regalia* by the chief of the state. The popes on their part encountered this presumption by declaring the empire itself to be a simply derivative power, emanating from the chair of Peter; and consequently that its revival could have no effect in abrogating or restricting the prerogative to which it owed its own being; the creature could not exalt himself above the creator—the pontiff could not be both lord and subject. This plea, however, had never been admitted. The simple enunciation had been deemed and resented as an intolerable insult.[h] Nothing further had been obtained from the sovereign than a certain *right of possession*, subject to conditions consistent with the constitution of the

[g] In the feudal sense of the terms.

[h] Conf. Book xii. c. 3, p. 81 et sqq.; and *ibid.* c. 4, pp. 99, 100.

power from which it was derived. Charlemagne and his immediate successors—the Saxon, Franconian, and Swabian emperors down to the close of the twelfth century—had regarded Rome as the temporal capital and seat of the empire; and the Pope, in respect of his secular government, and the territories he possessed in right of his church, as subject to legal obligations in their nature identical with those of the other great vassals of the crown.[1] The victories of Gregory VII. at Canossa, and of Alexander III. at Venice, the bequests of the Countess Matilda and the Count of Bertinoro, might extend and amplify the possessions of the Holy See, but did not change the principle of the papal tenure from that of mediate to absolute sovereignty. The distinction between the right of possession and the ultimate dominion was well understood in the Middle Age; and in relinquishing many of the incidental rights of the crown to the pontiff of Rome, the German sovereigns were doing no more than they were in the habit of doing for the more powerful among their own subjects from all time.

Distinguishes *right of possession* from absolute sovereignty.

Without entering into the inquiry as to the rights of the empire to the provinces south of the "Patrimony Proper," it is well known that the Germanic emperors and their subjects treated them as imperial territory; that the emperor Henry VI. regarded the title of his wife and son as absolute, without reference to the papal claims of suzerainty, and himself as sovereign of Apulia, Calabria, and Sicily, in the character of husband and father. The fierce and intrepid character of the Emperor, his contempt of the papal censures, his unscrupulous policy, his selfish ambition, supported upon the undisputed possession of the whole of central and southern Italy, seemed to forebode the approaching extinction of the papacy as a tem-

Political position of the papacy at the death of Henry VI.

[1] It may be objected, that the popes were not liable to military service. It is answered, that neither was any spiritual person bound to attend the sovereign in his wars; but we know that their administrative acts were subject to the control of the Emperor, and that their armed force was, like that of every other vassal, subject to his command when required. Conf. Book vi. c. 5, pp. 130-134 of this work.

poral power. The feeble Cœlestine III. had watched his progress with undisguised dismay; the thunderbolts of the Lateran had no power to harm him; yet this power rested upon sand: the accident of death dissolved the charm; and when he descended prematurely into the tomb, the baseless fabric of his fortunes vanished with him. When he died, the storm-cloud which seemed about to burst upon the devoted curia passed away like a sun-shower, and brightened into a more glorious summer than had hitherto ever shone upon the papacy.

Internal government of Rome and the patrimony.

The internal state and government of the papal territories calls for a passing notice. As in Lombardy and northern Italy, so here the municipal government of cities and towns was carried on by their own elective magistrates. Each of these little dependent republics assumed all the rights of feudal princes within their walls and purlieus. They made war upon each other; they concluded peace or truce, they formed alliances and confederacies, with little regard to the interests or the commands of the superior. Though they acknowledged the supremacy of the Holy See, they governed themselves, and managed or mismanaged their interior economy pretty much at their pleasure. They admitted eligible neighbours or strangers to the rights of citizenship, and incorporated the gentry and nobility of the vicinity into their municipal associations; as in the cities of Lombardy and Tuscany—as in Genoa or Pisa, Milan or Pavia, Florence or Sienna. The rural nobility —lords and vavassors—held their estates upon strictly feudal terms, but performed or neglected their duties to the prince in exact proportion as he could make it their interest, or was strong enough to compel the performance. In the government of the papal states, as elsewhere, no reliance could be placed in the sense of legal obligation or loyalty. The influence of the popes in Rome and the "Patrimony" depended rather upon intelligence and firmness; upon political ability, military and financial resources, seconded by a judicious use of his spiritual artillery. From all time the disposition of the citizens of Rome had been the great difficulty of the

pontifical government. Rarely in the preceding reigns had that difficulty been more severely felt, or encountered with better tact and success, than in that of Innocent III. The history of this pontiff's domestic policy forms one of the most important chapters in the narrative of his reign.

State of Europe at the commencement of the reign of Innocent III.

But in order to avoid repetition or episode in a narrative in itself sufficiently complicated, and at the same time to indicate the precise position of Innocent III. at the outset of his pontificate, it will be expedient to advert in this place to the general state of Europe at the close of the twelfth and the commencement of the thirteenth century.

France. Philip Augustus.

France was at this period governed by Philip (II.) Augustus. The king was about five years younger than Lothario di Segni, and scarcely inferior to him in capacity for government. During his long reign of forty years he devoted himself wholly to two great objects; the *first* of these was to break down the power of the kings of England; the *second* to enlarge the narrow patrimony of the crown, by the absorption of the greater feoffs of the kingdom. To the realisation of these projects no means came amiss; honour, good faith, law, morality, religion were as cobwebs in his path. He dealt with the Holy See as with every other power that crossed the track of his desires; he measured out his compliance and his devotion by the scale of interest or expediency; and obeyed or resisted, as his political and personal views suggested. Still there remained in his mind a tincture of superstitious dread lest the powers of the Church should prove too strong for him in this world, and the chances of escape from that doom which all men feared, and few could be assured they had not deserved, should be cut off.

France and England. Philip II. and Richard Cœur-de-Lion.

During the nine or ten years preceding the accession of Innocent III., the histories of the French and English kings run parallel with each other. Richard I. displayed the virtues of a rude valour, combined with that kind of genial temper which often accompanies an habitual

contempt ofdanger, and sometimes stands in the place of those qualities which, in a more advanced age, command attachment, and at all times recommends itself to the rude and vulgar instruments of power. His bluff and boisterous manners gained him that kind of popularity which, in an uncivilised age,—as, perhaps, among the vulgar in all ages,—passes for good-fellowship, and casts a veil over the vices of thoughtlessness, intemperance, and insolence. Richard's religion—like his love of poetry—was a fashion, a habit, a superstition, unsuggestive of any sense of duty, or refinement of taste. Had he renounced all religion, he could not have been less mindful of his duties as a son, a brother, or a husband. But savage as he was, he was neither false nor treacherous. His anger, though fierce and consuming, scarcely outlived the provocation. In these respects the contrast exhibited in the character of his brother and successor may have served to raise that of Richard Cœur-de-Lion above its proper moral level. His incessant wars with France detained him in that country during the greater part of his reign. For these wars he required extraordinary supplies of money; nor was he very scrupulous as to the means employed for raising the needful funds, or about the persons upon whom, or through whom, they were to be levied. The clergy were not more gently dealt with than the lay subject. His religious sentiments, such as they were, attached themselves rather to the outward observances of the Church than to the persons of her ministers; his devotion was mere form, and had nothing to do with the wants and requirements of state; nor were the prayers of the priest regarded by him as a sufficient set-off against his obligations as a subject. This was his unpardonable sin in the eye of the Church; and it is not improbable that, if he had survived his insane pursuit of military adventure, he would have incurred the utmost penalty of his rude and irregular attempts to compel his clergy to contribute to the necessities of the state.

In the year 1190 the two kings embarked in a joint crusade, and spent the winter of that year at Messina. But here the rude demeanour of Richard sowed the

seeds of those dissensions which contributed materially to the imperfect success of the expedition. The maritime town of Acre was at that moment besieged by the joint forces of the Christians of Palestine and Syria and the remnant of the army of the emperor Frederic I. Philip Augustus joined the army before Acre on the 15th of April 1191. Richard, who had in the mean time been engaged in the conquest of Cyprus, did not arrive till two months later.[j] The city surrendered on the 13th of the following month; and on the 3d of August, thwarted and offended by the pride and insolence of king Richard, he set sail for France. In the year 1193 he married Ingeburga, sister of Knut VI., king of Denmark, and caused her to be crowned in his presence; but during the ceremony itself he conceived so strong an aversion for her person, that he could never afterwards look upon her without a shudder. The marriage had been celebrated on the 13th of August, and on the 4th of the following November he procured a decree of divorce upon the plea of consanguinity. A formal pedigree, drawn up by the most expert genealogists, gave the desired result; and the resident legate of the Pope sanctioned the decree of a national synod. Meanwhile the king of England had been arrested and detained a prisoner in Germany; and Philip eagerly seized the opportunity which the detention of his gallant opponent threw in his way to invade the duchy of Normandy, and to encourage rebellion among the Aquitanian subjects of Richard; but the release of the latter in the year 1194 checked the advances of Philip, and soon afterwards he suffered so severe a defeat as to induce him to sue for peace. Satisfied with his successes in the field, and glad of leisure to chastise his rebellious vassals in the south, the English king granted favourable terms.

Their joint crusade and its consequences.

The divorce of Philip and Ingeburga had excited intense disgust at Rome. Pope Cœlestine III. annulled the decree, and censured all who had taken part in it; yet shortly after the

Divorce and re-marriage of Philip Augustus.

[j] The 8th June 1191.

conclusion of the truce with England, Philip married, in spite of the papal censures, Mary, the accomplished daughter of the duke of Meran[k] (A.D. 1196). Cœlestine, indeed, promptly declared the marriage void, and commanded the King to discard his "concubine," and resume his connexion with his legitimate wife; but during the remaining years of this pontificate the cause was allowed to sleep. At the decease of Cœlestine, however, it fell into the hands of one who never permitted an opportunity to turn the sins of kings and princes to the profit of the spiritual powers, to slip through his fingers. In the year 1199 king Richard, as had been foretold to him, fell a victim to his savage lust for war,[l] and his worthless brother John reigned in his stead.

An epitome of events which occurred in Germany and Italy down to the death of Henry VI., and a short review of the state of certain outlying nations of the Latin communion, will bring this introductory chapter to a close, and save too frequent retrospect and interruption of the narrative.

Germany and Italy.

Of all these states none stood in so close a relation to the papacy as the kingdoms of Germany and Italy. Both were, by the international law and opinion of Europe, regarded as together constituting the Holy Roman Empire; and the city of Rome was still the reputed capital of the combined state. The King and princes of Germany continued to look upon the possession of Rome, though limited to the brief period of an imperial coronation, as the visible pledge and symbol of empire—in truth, or in fiction, it was the basis of the *political* imperium. But with the same undoubting faith the Roman pontiffs looked upon the holy city as the proper seat and domicile of their *spiritual* imperium, from which it could no more be severed, so as to retain its vitality, than the human head

The *political* imperium and the *spiritual* imperium.

[k] Conf. Book xii. c. 8, p. 319 of this work.

[l] He refused to accept the surrender of the castle of Chaluz, and insisted on the pleasure of hanging up every man of the garrison, as common thieves and robbers.

could be severed from the trunk. But the idea of a pragmatic union between church and empire had not yet so altogether perished from the minds of men as that either party could claim an undivided imperium, a separate sovereignty. In the practice and opinion of the age, the powers and privileges yielded to the pontiff of Rome did not exclude the temporal dominion of the empire. Till the commencement of the 13th century no pope had ever categorically denied the ultimate sovereignty of the reputed capital to reside in the temporal head of the state. Till that period the utmost efforts of the pontiffs had been directed to the exclusion of the *de facto* government of the emperors; and in this task they had so completely succeeded, that scarcely a vestige remained of the ancient jurisdiction of the empire. Alexander III. had shaken off an outward dependence upon the state; and it only remained to his successors to snap the last of those material links which connected the chiefs of the empire and the church, by establishing it as an article of Catholic faith that "*God's inheritance could be neither directly nor indirectly subject to any human prince or potentate.*"

Henry VI. in Italy.

At no point of time, however, was this theory, to all appearance, further from a practical realisation than after Henry VI. of Germany had made himself master of Central and Southern Italy and Sicily. All the great military commands in the conquered provinces, and those of the dependent territories, were bestowed, by tenure of fealty and military service, on the most distinguished officers of his army. Castles, lands, revenues, powers of the largest and most indefinite kind, were showered upon the mob of adventurers and mercenaries, whose only object was plunder, and whose rapacity was unchecked by the remotest regard for the rights or the welfare of those whom they were appointed to govern. The treatment of his Italian subjects by the Emperor himself was, if we may believe the reports of his enemies, distinguished by the absence of every consideration but those of his selfish and rapacious nature. The delay or the refusal to refund the sums extorted by

him for the ransom of Richard I. had drawn upon him the sentence of excommunication from pope Cœlestine III.; but Henry inherited, with few of the virtues of his sire, his bold and resolute character. The thunders of the Church had no terrors for his firm nerves. The accumulation of wealth and the lust of power were the governing passions of his soul. During his brief career in Italy he busied himself in collecting, by every means of extortion which fell in his way, all the money and portable property he could lay his hands on in the conquered territories. All this wealth he shipped off in the fleets of his allies, the Pisans, together with the hapless queen Sibilla, her daughters, and her cruelly mutilated son, into the north of Italy, whence they were afterwards removed into Germany.[m]

The imperial governors in Italy.

The example of the sovereign was closely imitated by the officers placed in command of the provinces. His brother, Philip duke of Swabia, was intrusted with the government of central Italy, including the estates of the Countess Matilda, and the duchy of Tuscany. Markward,—or, as he is called by the Italians, Marcuald,—the emperor's seneschal and favourite, was made duke of Ravenna and Romagna. Conrad of Luitzelenhart, a commander of the imperial mercenaries, became duke of Spoleto. Large grants of land were bestowed upon his field-marshal Diephold, and others among his most active supporters were largely provided for in the general distribution of the booty.[n] The descriptions handed down to us of the tyranny of these governors may perhaps admit of some deductions, considering the hostile quarter from which they are derived. At all events, there is quite enough in the character and conduct of the imperial freebooter to convince us that no amount of subordinate plundering was likely to meet with any severe rebuke or chastisement from him. It is at the same time an undeniable fact, that the bitterest hatred of the German yoke filled the heart of every Italian subject; and that, some time before

[m] Conf. Book xii. c. 8, p. 303 of this work.

[n] *Epp. Innoc. III.*, lib. i. ep. 557, p. 317; lib. ii. ep. 171, p. 446.

the death of Henry, the people were prepared to embrace the earliest opportunity to revenge their wrongs upon their oppressors. After all, the tenure of the kingdom was a simple military occupation, depending upon the numbers and discipline of the troops requisite to garrison the numerous hill-forts and castles dotted over the surface of the country. Thus a number of separate interests were created, which might indeed be made to work together as long as the master-hand of the emperor was present to direct and control them. But when that hand was withdrawn, the chiefs found themselves isolated from all central authority, surrounded by an exasperated population, and left, each man, to make the best bargain he could for himself. Henry VI. died at Messina on the 28th of September 1197, rather more than three months before the accession of Innocent III.; leaving a fair field open for the exercise of those various capacities and accomplishments to which the successor of the feeble Cœlestine III. was indebted for his elevation.

Death of Henry VI.; its consequences.

In the Spanish peninsula several opportunities had occurred for pontifical interference. The marriage of Ferdinand king of Leon with Uraca, a daughter of Alphonso I., king of Portugal, had been dissolved by pope Alexander III., in 1175, on the ground of consanguinity. For the like reason that of Alphonso king of Leon with Theresa, the daughter of his uncle Sancho III. of Castile, had been annulled by pope Cœlestine III., in the year 1192. In Portugal Sancho I. had married a natural daughter of Alphonso king of Castile and Leon, who was found to be related to her husband in a degree within the canonical prohibition. The Pope annulled the marriage; but Sancho, who was just then busily engaged in settling his recent conquests from the Moors, either did not hear the distant thunders of the Lateran, or thought them too remote to do him any harm. He met with little disturbance from his clergy; and nothing further was done by the Holy See on the subject. Of Peter king of Aragon more will be heard in the course of the narrative.

The Spanish peninsula.

The Scandinavian churches of the twelfth century.

Some account has been already rendered of the origin and progress of the Scandinavian churches down to the reign of Alexander III.[o] The introduction of Christianity had produced important effects in mitigating the sanguinary character of the northern barbarians. In this great work the agency of Rome had been rather of a passive than an active nature. The Scandinavian churches had, it is true, professed communion with Rome upon the usual terms; but with the proper work of conversion the papacy had little or nothing to do. A pure sense of Christian duty, and a holy zeal for the salvation of these sons of darkness, were the simple motives which pushed the missionary host, from the early part of the ninth to the beginning of the thirteenth century, to devote themselves to suffering, persecution, and martyrdom in the cause of the gospel. All that can be said for the share of the pontiffs of Rome in this great work is, that when these humble ministers of the Saviour looked around them for a rule and order applicable to their infant establishments, those of Rome were adopted in the same spirit of humble trust and confidence with which they set about their arduous and perilous task.[p] Among the many distinguished names who worked together for the conversion of the heathen Danes, Norwegians, and Swedes, not one can be traced to Roman appointment. These churches grew up in spiritual independence. The influence of Roman discipline was adoptive, not original. With the single exception of the mission of Augustine to England, a period long antecedent to the earliest efforts for the conversion of the nations of the north, the primary movement was altogether independent of foreign impulse. The Irish missions of the eighth century, like almost all other enterprises for the dissemination of the gospel, sprang from no moving force but that of individual zeal. By far the greater number

[o] Conf. Book xii. c. 7, pp. 195-202.

[p] It is untrue, as stated by *Hurter* (Geschichte Pabst. Innocent III., vol. i. p. 108), that the protecting guardianship of Rome *alone* enabled the infant churches of Scandinavia to withstand their often victorious persecutors. It would be hardly more irrational to impute the success of the apostle Paul to the protecting power of his colleague Peter.

of these earlier undertakings were not even brought to the knowledge of Rome till they had arrived at a stage of growth when subordination to regular government became a political necessity—when a model or framework of discipline was indispensable to their welfare, or even to their existence. But at that period there was no such model to be found but that of Latinism; and thus in the result a narrow sacerdotal scheme was substituted for that broad and liberal Christian fellowship in which the great movement had its origin. Such was the cause and the occasion of Roman intervention in the churches of the north; and such the form stamped upon them. And in this state they continued to vegetate till the revival of the influences to which they owed their birth enabled them to assume a shape and an expansion more congenial to the free spirit of the nations of the North.

State of the Sclavic churches.

The same class of zealous men, as that to which the Scandinavian heathen were indebted for the light of the gospel, had not been idle in the Sclavic regions of central Europe. In Prussia, Livonia, Poland, the governing influences of Rome had been felt in about the same degree as in the North. The introduction of the Latin scheme had been gradual, and in a great measure promoted by the disorders to which those countries appear to have been in all ages peculiarly liable. In this state of social anarchy, the Church was driven to intrench herself behind the bulwarks of system and discipline; and—as in the case of the northern tribes—found no materials to build with but those of Rome. But for a long series of years the influence of heathen practice and national habit left the Sclavic churches under the ministration of an ignorant and irregular priesthood. They had adopted the Roman form, but could not yet be brought to submit to Roman discipline. Poland was, at this point of time, governed by four independent princes or dukes, more frequently at war than at peace with each other. These princes appointed archbishops, bishops, abbots, and every officer of importance in the church, and appropriated to their own use the personal estate and chattels of deceased prelates of every

Poland.

degree. Such persons were supposed to have no secular heirs or next of kin, and the personalty they might leave behind them was believed to be a lawful escheat to the sovereign of the country. The introduction of the celibacy of the clergy had all along encountered the fiercest opposition. In these respects princes and people had paid little attention to the monitions of the Pope. The superior order of the clergy were here, as elsewhere, to the full as much a political as an ecclesiastical power. They had, perhaps from the necessity of their position, always taken a leading part in all the changes of the political body that had taken place since the introduction of a graduated hierarchy. In Poland, as among other nations, we find the priesthood assuming the character of a state within the state, controlling or balancing the secular authorities wherever they gained a footing. But for the accomplishment of such a preponderance the discipline of the Sclavic churches was as yet too loose and imperfect. Space for the expansion of the sacerdotal scheme could only be obtained by a closer connexion with that system of religious government which had been by this time pretty generally adopted throughout the Latin world. And in truth, whether for the gratification of corporate ambition, or for the introduction of the necessary reforms of religious practice, no alternative presented itself but a closer union with Rome. Sense of duty ran for a time in the same channel with the political interests of the clergy, and both together drew them forcibly into the vortex of Roman influence.

Roman discipline in the Polish churches.

To go no further back than the year 1189, we find that pope Clement III. had sent his legate, cardinal John Malabranca, into Poland to reform the churches of that country upon the Roman model. This prelate published several ordinances with that view; but they soon fell into disuse; and, in the year 1197, a second legate was despatched to the Sclavic nations. This officer issued some severe orders against the practices most inconsistent with the pontifical scheme, more especially against the marriage of the clergy. At Prague a sudden tumult among the incensed

clergy and people threatened the life of the over-zealous legate. In Poland he had, however, made a partial impression. The laity of that country were persuaded to abandon the loose notions of the obligations of marriage hitherto entertained, and to place the sacred contract under the superintendence and sanction of the church. But it was reserved to a more energetic hand than that of the feeble Cœlestine III. to make a decisive inroad upon the pravities of the Sclavic churches, and to convert them into useful outposts of the great sacerdotal army which was already in possession of every vantage-ground in western Christendom.[q]

In Hungary these reforms had produced more abundant fruit. Under the pious patronage of king Bela III. the emissaries of Alexander III. had carried almost every measure they had proposed. The king had abandoned to the Pope the right of appointing and deposing bishops, and renounced the prerogative—prevalent in Hungary as in many other European countries—of appointing lay sequestrators of the personalty of deceased prelates.[r] In Hungary.

The relations of the papacy to the barbarian government of Bulgaria, at the commencement of the reign of Innocent III., will be more conveniently considered at a future stage of the narrative. The connexion of Rome with the Byzantine state at this point of time will appear on occasion of the transactions attending the abortive crusade of 1203. Upon the same occasion the state of the declining kingdom of Jerusalem will claim some notice. With the exception of the churches of Palestine and Syria, there remained only that of the Lesser Armenia to compensate Christendom for all its losses by the Mohammedan conquests in Asia. Armenia bordered to the north and east upon the Latin Bulgaria. The Byzantine empire. Jerusalem. Armenia.

[q] *Roepell's* Gesch. Polens, vol. i. pp. 398, 399. No accountant can strike a just balance where he cannot accurately separate the items of the account. The historian encounters this difficulty in distinguishing and estimating the religious and political motives of the Latin clergy and their chief. The difficulty is well stated by Dr. Roepell at p. 399 of the above-quoted work.

[r] *Vita Alex. III.* ap. *Murat.* tom. iii. p. 474.

principalities of Antioch and Tripolis. Leo, the king of the country, had to defend himself simultaneously against the Turks on the one hand, and his treacherous Christian neighbours on the other. Thus the value of the alliance of Rome induced him to sacrifice the independence of his church, and to throw himself into the arms of Innocent III., as much perhaps for the accomplishment of his own projects of aggrandisement as for support against the encroachments and plottings of his demoralised neighbours and their allies, the military orders domiciled in Syria and Palestine.[s]

[s] Pope Innocent III. was proud of this spiritual conquest, and was at great pains to improve it against the schismatical Greeks. *Gesta Inn. III.* ap. *Baluz.* tom. i. cc. 90, 91, pp. 70, 71.

CHAPTER II.

EDUCATION AND OPINIONS OF INNOCENT III.

Birth and education of Lothario di Segni—Lothario at Paris—Lothario at Bologna—Study of the *canon law* introduced—Celebrity of the faculty of canon law at Bologna—Influence of the study of canon law upon the mind of Lothario—He returns to Rome—is made a cardinal—His retirement; how spent—His works—"De Miseria," &c.—Human pursuits, their vanity and emptiness—The poor and the rich—the slave—the married and the unmarried—The just and righteous, their lot—Sympathetic suffering—Moral state of the world—Gluttony—drunkenness—lust—frauds—luxury—The "Dialogue between God and a Sinner"—Hopeless state of the sinner—the remedy, confession and penance—the Pope the universal pardoner—Danger of postponing confession and penance—Summary of the opinions of pope Innocent III.—Character and scope of these opinions—Substitution of the Church for the Saviour; why—Explanatory and qualifying considerations—Propension of thinking men for the Church.

Birth and education of Lothario di Segni.

LOTHARIO CONTI, fourth and youngest son of Trasmondo count of Segni, in the "Patrimony Proper," by Claricia, a Roman lady of the family of the Scotti, was born in the year 1160 or 1161. Trasmondo the father was a man of great estate, and his relatives and connexions on both sides had shared in the offices and emoluments of the papal government for many years past; and some of them had been intrusted with important affairs during the reigns of Hadrian IV., Alexander III., and Clement III. Under the tuition of his two uncles, the cardinals of St. Sergius and St. Paul, the great natural abilities of Lothario unfolded themselves, promising that kind of distinction which his relatives and friends most desired. He received the rudiments of his education in one of the schools attached to all the great churches in Rome. In these schools, after the first course of instruction had been passed through, it was the custom to direct the attention of the pupils to the study of the *canon law* in all its branches. The next step in the training for the priesthood was the *literal* study of the Scriptures; and

the last the reading of *dogmatic theology* in its esoteric or purely ecclesiastical form.[a]

Lothario at Paris.

From this school he repaired at an early age to the then celebrated university of Paris, where the study of theology was most successfully cultivated. Here he is believed to have attached himself to the school of Peter de Corbeil, a teacher renowned for the license of allegorical and mystical exposition in which he indulged himself and his pupils. And in this vein Lothario devoted himself to the study of the Scriptures; he exercised himself in the most improved modes of homiletic composition and delivery, and cultivated ecclesiastical dogmatics with all the subtleties and refinements with which the theologians of the age delighted to adorn or obscure the simple truths of the gospel. At Paris he formed some friendships which he retained through life, and which he remembered and richly acknowledged after his own elevation. The martyrdom of Becket was at that time fresh in the recollection of all men: no profane doubts had as yet overclouded the egregious merits of the martyr; and Lothario visited and worshiped at his tomb with those feelings of devotion which such a training as his could not fail to inspire even in a less susceptible disposition.[b]

Lothario at Bologna.

From Paris Lothario repaired to Bologna, where the study of Roman civil law was pursued with zeal and success. But not many years before his matriculation the canon law had been introduced as a principal study of the university. Under the professor or lecturer Bazianus this new branch of erudition became fashionable, and was soon taught in connexion with the then recently-

Study of the *canon law* introduced.

[a] Lothario is supposed to have been a pupil of the particular academy attached to the great Basilica of the Lateran.

[b] Lothario could have been barely ten years old at the death of Becket. For many years afterwards public opinion ran high in favour of the devoted champion of the Church; but at a somewhat later period a party sprang up in France who presumed to take a different view of that tragical event. Master Robert, a popular professor of the university, publicly maintained against Master Peter the Cantor that Becket had deserved his fate for his treason against his sovereign. *Hist. Littér. de France*, tom. xv. p. 286. Forty-eight years after this the controversy was revived in the form of a question, "Whether Becket had gone to heaven or to hell." *Hurter*, Inn. II. p. 26, note 167.

established faculty of theology. The canonist Gratian had presented his work, now known by the name of the "Decretum Gratiani," to the professors of civil law in the university, and had afterwards dedicated it to pope Eugenius III., requesting him to sanction and adopt it as a text-book of ecclesiastical law;[c] but whether with or without the sanction of the Pope, the faculty of canon law very soon obtained the privilege of granting degrees; and within two years after the publication of the "Decretum," that work had become the manual of instruction in the incorporated schools of theology and canon law. The popes, in fact, always attached great authority to the faculty of canon law at Bologna; they often called for and adopted its decisions upon difficult questions. After a time the study spread from the theological to the secular schools, and even to the courts of princes. The emperor Frederic I. is said to have entertained teachers of canon law at his court, and to have caused his son Henry (VI.) to be instructed in its principles.[d] At the period of Lothario's residence, the studious youth from all parts of Europe flocked to Bologna. Within the century the university had been frequented by men of the highest reputation in the theological world, among whom we may enumerate Hubert Crevelli, afterwards pope Urban III., the cardinal Peter of St. Chrysogonus, the patriarch Heracleus of Jerusalem, archbishops Becket of Canterbury, and Berthold of Bremen, bishop Stephen of Tournay, the celebrated Stephen of Blois, archdeacon of Bath, and many others who afterwards distinguished themselves as the most learned and zealous canonists of

Celebrity of the faculty of canon law at Bologna.

[c] *Hurter* (Inn. III. vol. i. p. 27) intimates that it was actually adopted by Eugenius. But *Durand* (Hist. du Droit Canonique, p. 213) denies that it ever received the official adoption of Rome. But whether the fact be so or not, it has always been the principal authority in questions of ecclesiastical law in the Latin church. Conf. *Savigny*, Gesch. des Röm. Rechts, &c. vol. v. p. 210. See also Book vi. c. 8, p. 218 of this work.

[d] So says *Hurter* (vol. i. p. 29). But if it be so, certainly the imperial pupil never entertained any very high respect for its precepts. But it is remarkable that this study, dry and unattractive as it was, and rendered still more so by a pedantic and confused arrangement, should (as we are told it did) have engrossed the attention of the students to the neglect of their proper theological and literary pursuits.

the age.[e] The attainment of distinction in the science of canon law was a certain introduction to the highest honours and dignities of the Church; and with such prospects in view, it is no wonder that it engrossed the almost exclusive attention of the students. For some time it was pursued in combination with the study of the civil law; but the dangerous tendency of the more liberal principles, and secular tendencies of the Roman jurisprudence, alarmed the court of Rome, and induced the Pope to insist upon the separation of the two faculties, and to restrict the theological pupils to the path marked out by Gratian and his orthodox expositors.

Influence of the study of canon law on the mind of Lothario.

Under the tuition of teachers trained on this narrow and exclusive system,[f] Lothario was initiated in all the mysteries of canonism. He plunged with the energy of a capacious memory and a lively imagination into the subtleties of decretal lore, and stored his mind with all the subsidiary knowledge necessary to give point and direction to his favourite study. With abilities—in themselves of a high order—thus diverted into a single channel, he became constitutionally averse from every form of law or government which did not square with the received principles of decretal legislation and symbolical theology. The healthiest minds, like the soundest bodies, may be squeezed into malformation by properly graduated external pressure. The effects of his education are apparent at every stage of the career of Innocent III., except perhaps where now and then the impulses of a more generous nature burst through the outer crust of a pedantic formalism.

He returns to Rome.

From Bologna Lothario di Segni returned to Rome, and by the interest of his family was attached, as sub-deacon, to the basilica of St. Peter. By the same influence he was introduced at once into the circle of the Curia at the early age of twenty, under the pontificate of Lucius III. After the two brief reigns of

[e] *Hurter*, vol. i. p. 29.

[f] According to *Raumer* (Hohenst. vol. iii. p. 75), Uguccione de Bologna was the principal professor at this point of time.

Urban III. and Gregory VIII., his maternal uncle, Clement III., raised him to the dignity of cardinal-deacon, by the title of St. Sergius and Bacchus. He was at that time in his thirtieth year, and already enjoyed the highest renown for learning, discretion, and integrity. As a member of the sacred college he was now frequently called upon to act as reporter or judge-delegate in the causes and disputes which flowed to Rome from every quarter of the Latin world. Though the youngest member of the Curia, he was selected by preference for the more arduous duties of the judicial bench. In this function he gained the highest reputation for talent and discernment, and extended his knowledge of the practical business of spiritual government. But after the election of Cœlestine III., in the year 1191, his friends went out of power, and Lothario retired from public life. During a period of seven years, which elapsed between the elevation of Cœlestine and his own election, his thoughts were engaged in working out the materials stored up during his educational years, and in maturing his views of the nature of man in his physical, moral, and religious capacity. In his retirement he composed and published several treatises upon important moral and theological subjects, and, it is believed, wrote a few popular sermons. These works are fortunately almost all extant, and afford an insight into the inner mind of Innocent III. not often so fully disclosed in the history of men of high mark and station in the world.

Is made a cardinal.

His retirement; how spent.

The writings to which our attention is particularly called are entitled, "On the Miseries of Human Life," "A Dialogue between God and a Sinner," and three sermons "On the Consecration."[g] In the first of these treatises he discusses the physical, moral, and religious condition of man, and at the outset places it upon the lowest stage of degradation and corruption: "Man is begotten in im-

His works.

"De Miseria," &c.

[g] Besides these works he wrote a treatise on the Eucharist, on the "Fourfold Connubium," and an exposition of the Psalms. These tracts are printed in *M. Migne's* collection of the Fathers, &c.; a work which, however, bears but a sorry reputation for accuracy.

purity; his nourishment in his mother's womb is loathsome; the materials of which his frail body is compounded, and its economy carried on, are in themselves mean and worthless; the infant is a helpless lump; the riper years of the man are but vexation and turmoil; his old age closes in sorrow and weakness; and his life is at the best but a span long: it is not even comparable to a tree or a vegetable, for these send forth pleasant odours, while the body of man exhales unsavoury vapours; the tree bears noble fruits, the body secretes saliva, urine, and feculent matter: though, like the tree, he be said to have stem, root, and branches, yet the wind cometh and sweepeth all these away like decayed leaves in autumn.

Human pursuits; their vanity and emptiness.

If he wishes to elevate the spirit to better things, the body depresses and keeps it down; and yet his presumptuous wisdom has not taught him how ignorant he is. Mortals hurry hither and thither on all sorts of roads and by-paths; they bridge-over precipices, they dive into the bowels of the earth, they hew and polish the rock, they breast the flood and the whirlpool, they defy the storms of the ocean, they dig for and melt down the metals of the earth, they weave for themselves clothing, they build houses, plant gardens, sow the fields, cultivate vineyards; they fish, they hunt, they set snares for the fowls of the air: then they reflect, they repine, they take counsel together; they frame governments, they bind and they loose, they growl and quarrel, they rob and are robbed, they make war upon and plunder each other: and all this that they may win treasure, achieve honours, snatch at dignities, wealth, and power: yet are all these things *but vain strife and mortal vexation.*"

"Then consider the miseries of *poverty:* the beggar

The poor and the rich;

is tortured by shame, the unobtrusive pauper perishes of hunger; and both are equally exposed to the temptations of vice. Then, again, the *rich* are disquieted by the cares of acquisition, or by the fear of losing what they have gained; and when they have lost, are tortured with unavailing regrets.

the slave;

Look at the *slave:* he not only suffers, but must

bear his hard lot unpitied and in silence: the *master*, if he is a hard man, is hated; if indulgent, he is despised. The *unmarried* suffer from constant desire, which, whether indulged or thwarted, is always an evil: on the other hand, the *married* are distressed by the cares of a family; the wife importunes the husband for gay dresses, jewelry, servants, and a multitude of other things he knows he cannot afford; and when he refuses her, she pouts and sobs and scolds; she grumbles and weeps night and day. Again, the beautiful woman is the object of desire; the ugly is despised by all men; but that which all desire is difficult to guard, and that which no one wishes to have is disagreeable to keep. One man is attracted by personal charms, another by lively wit, a third by the sprightly jest, a fourth by wealth. Every man has his weak side. It is easy before the wedding to conceal from each other all such defects; but after it, outcrop all the inconveniences of the process: but *then* there is no remedy; they must dwell together through life, or by living in a state of separation—not admitting a second marriage—both are flung back upon the miseries of celibacy."

the married and unmarried.

"It is just and natural that the wicked should suffer; but are the just and righteous one whit better off? Here below is their prison, not their home or their lot. Every thing in their condition is contradictory—the spirit and the flesh, the devil and holiness, men and animals, the elements, the state, and the multitude,—all are against them: if there be moments of pleasure and peace, they are but moments; they are soon banished by a sense of spiritual infirmity, or by temptations, by strifes and envyings, from without: such moments of ease only cause the change to grief and vexation to be more keenly felt: and death is always at hand to snatch away the good and the bad together: if a man expect to find rest in sleep, he is terrified by dismal dreams—waking from the pleasant visions of the night, he is mortified when they vanish."

The just and righteous; their lot.

Sympathetic suffering.

"But suppose any one so fortunate as to be secure against personal suffering, where is the bosom so callous as not to be wrung by the sufferings of others? Where is the man who knows his own position to be so safe that injustice done to a neighbour may not next visit him? If He who on earth was the only pure and sinless being was not thereby exempted from the bitterest agonies, what better lot hath sinful man to expect? Throughout every relation of life, in every direction in which man lives and moves—in all his cravings, appetites, errors, and vices—*there is nothing but misery*, yea even unto death, and beyond it, in purgatory and in hell, even unto the final judgment."

Moral state of the world.

This being the physical condition and outward posture of all men that come into the world, cardinal Lothario finds his normal moral condition to correspond accurately with his outward deficiencies and frailties. "Are not," he asks, "all men ruled by the three master vices of avarice, ambition, and lust? Nothing nowadays satisfies the jaded appetite but the most exquisite preparations of the art of cookery—hence indigestion, disease, and premature death: drunkenness fills up the measure of men's iniquities; for thence come broils, impurities, lusts, and disorders of the worst kind: with these vices all classes are alike infected: the whole world is one vast Sodom or Gomorrah, and doomed to the like destruction: hypocrisy, dissimulation, false promise, insidious language, crooked ways, come all alike to the ambitious man: envy of all above, insolence to all below; love of luxurious dress and personal finery; of fine houses, fine apartments, delicate and sumptuous furniture, all unnecessary to a healthy state of mind or body,—all these things are symptoms of rebellion against that Providence which hath richly provided all things really necessary to our condition here below: the life of man is, in short, but a cluster of deadly sins—a heap of combustibles for the fire which is never quenched."[h]

Gluttony; drunkenness; lust; frauds; luxury.

[h] Inn. III. "De Miseria Humanæ Conditionis;" ap. *Migne*, tom. iv.

The hopeless state of man both in his physical and moral capacity, thus pithily summed up, is further illustrated in the "Dialogue between God and a Sinner," in which, but for the aid of the Church, his religious condition is described as equally hopeless. This work is replete with every peculiarity both of style and method of exposition apparent in the works of Innocent III.[i] The divine interlocutor begins by affirming that "all flesh lives in habitual disregard of His laws." The sinner cries for mercy.[j] The Almighty returns the stern answer: "Thou must needs call me Lord, for thou canst not help thyself; but I am not *thy* Lord, because thou dost not fear me as the servant fears his master: thou art more afraid of man's censure than my displeasure: thou thinkest, all the while, that man sees what thou doest, and that I do not; thus thou dishonourest me, and hast therefore no right to call for mercy." The prayer of the publican will not—He continues—avail him, if he worships any terrestrial object more than God: God must dwell in him before he can pray with effect—a man may knock at the door for ever in vain, if there be nobody within to open to him: God will not dwell in the house that is unclean; for the sinner hath driven Him out by his uncleanness. "But," quoth the hapless sinner, "there must be some remedy for this terrible incapacity." "Yes," the Almighty replies; "be careful to go frequently to confession—reveal all your transgressions to your priest in a true penitential spirit." "But"—asks the sinner—"how am I to obtain this spirit? I have it not in me, and am sure I cannot acquire it by my own strength; why, then, dost thou demand what thou knowest I cannot do of myself?" The reply is, that God requires an earnest will, a sincere desire for His grace; but in the sinner's case, it is clear that such desire is wanting because he is unwilling to go to confession: to blush and be ashamed in *secret* is only an aggravation of his sin; if he confesses before men, it is a token of peni-

The dialogue between God and a Sinner.

Hopeless case of the sinner.

The remedy; confession and penance.

[i] *Op. Inn. III.*, ap. *Migne*, tom. iv. p. 691.

[j] "Miserere mei Domine, et exaudi orationem meam."

tence: the sinner should repeat to himself, "I will confess unto man in this present life that which, if I confess it not here below, I know must be produced against me at the Day of Judgment." "But"—rejoins the sinner—"my sins are so numerous and so heinous that the penance must be intolerably severe." "Silly sinner! know that God does not demand from thee more than, with my aid, thou art able to bear; and if any such intolerable penance be laid upon thee, *I have set my vicar the Pope in my place on earth to be thy judge, and he will mitigate the penance according to the nature of the transgression, and the ability of the patient to endure it:* for he hath received from me the power to bind and to loose—as my minister, not of his own authority[k]—and he will, by that ministry, moderate the penalty; so that, if perchance he discover in thee abundant sorrow, bitterness of spirit, and true compunction, he may remit the greater part, if not the whole of the penance enjoined." "But"—says the sinner—"how if the confessor should impose a penalty absorbing all his time and all his thoughts, to the destruction of all his earthly interest and duties?" "Such an objection"—it is replied—"is no better than a temptation of Satan: the sinner is commanded to call to mind that passage of Scripture in which it is said, 'Woe unto them that are with child, and to them which give suck in those days.'"[1] Now those that *are with child* are those perverse souls who are solely intent upon accumulating the means of earthly pleasures, and who, in the delight they take in these things, put off confession and penance to the last: these are doomed souls: they shall descend alive into the bottomless pit: for assuredly no excuse shall stand in the way of the penances to be performed, however severe they may be. The last plea of the convicted culprit is, that he has so often confessed and received absolution, yet always relapsed into the same sins, that he is *tempted to think there can be little use in confession:* but this imagination is treated as a proof of his want of faith; for, however fre-

The Pope the universal pardoner.

Danger of postponing confession and penance.

[k] "Ministerio, non auctoritate."

[1] Matt. xxiv. 19.

quent his backslidings, the sinner is never to permit himself to doubt the power of the Church to forgive his sin.

With these opinions Lothario di Segni entered upon the presumptive office of supreme judge of man's destiny in time and in eternity. We sum them up shortly:—the elements of man's natural existence are all evil—from his birth to his death he is exposed to every kind of moral and physical peril—the passions and propensities with which he comes into the world are his bane—he brings with him his own death-warrant from his mother's womb—he is, so to speak, labelled for Satan and his angels before, at, and after his birth—he is born, and propagates his race in sin—he is born in sin, he lives and dies in sin: from this state of anticipated condemnation there remains indeed a dormant capacity for escape; but that capacity can only be called into action by the Church through confession and penance,[m] however inconsistent the process with his worldly interests and duties—*but the Pope can pardon all sin*, and remit all penances; consequently the sinner has nothing to fear, if he applies to his priest, and in the last resort to the pontiff, for the remission of the sentence of eternal death passed upon him at his entrance into the world.

Summary of the opinions of Pope Innocent III.

Reflecting upon these opinions, it strikes us that they were not merely subsidiary, but essential to the establishment of the doctrine of the supreme power of the Church on earth and in heaven. It was requisite that every act, every thought of man's heart should fall under the direct cognisance of the Church and her ministers; for it was to be made clear to all men that it was *solely* by and through her ministrations that he could be purged from those damning impurities with which he was polluted from his birth. At a single stage of the process of purification the power of divine grace is supposed to operate. The disposition to confess, and the strength to overcome all obstacles to the fullest disclosure of sin to the priest, are allowed to be an

Character and scope of these opinions.

[m] It is a doubtful question whether the word "pœnitentia" in this treatise offers any equivalent for the New-Testament term *μετάνοια*.

operation of prevenient grace; but the completion of the good work is taken into the hands of the priest—faith in the operative powers of the Church is substituted for faith in the Saviour and for every other religious motive.[n] The helpless and hopeless state of man in this life, the physical evils by which he is incessantly beset, are treated as evidence by analogy of the fate which awaits him in the world to come. Every circumstance of his life which might lead to a doubt whether—but for the Church and the Pope—he was not born to be damned, is carefully excluded from the estimate: his condition in this world is anticipatory of his fate in the next; and both are demonstrative of the necessity of the aid of the Church to enable him to escape his appointed doom.

Substitution of the church for the Saviour; why?

It should, however, be remembered that the opinions here unfolded were perhaps rather technical and professional than absolute in the mind of the writer. Exaggeration and symbolism are perhaps the most effectual mode of operating directly upon the vulgar mind; zealous men too often yield to the temptation to overstatement and mysticism. Whatever may have been the disposition of Innocent to place the outer world upon the lowest stage of moral and religious decrepitude, enough of evil, whichever way he looked, remained to suggest a doubt whether any kind of virtue was to be found beyond the limits of the ecclesiastical pale. It was indeed candidly admitted that even that association swarmed with impurities; but the sanctity of the institution was its defence; the nakedness of the pastors was not to be uncovered by the flock; and the necessity of order and government must be allowed to cover, in most cases, the sins of the governors; the value of the material, though not worth much in itself, is always enhanced by the skill of the workman. The Church ex-

Explanations and qualifying considerations.

[n] We remark that throughout the "Dialogue," &c., there is hardly an allusion to the atonement of Christ. In this apparently undesigned omission we may perhaps trace the dawn of the later dogma of the Roman church, that the whole fund of Christ's merits being at the disposal of the Church, the penitent was only entitled to such a participation as she might think fit to accord. That share was in fact measured by the duration of the purgatorial pains awarded.

hibited a standing rebuke to the chaos of political institutions, and in her own bosom afforded a refuge from many of the 'miseries' so eloquently deplored by Innocent III. It may not, therefore, be a subject of wonder that the moral and religious minority should see no alternative but to take refuge in the Church from the intolerable evils of the times, and to regard her as the appointed instrument for the removal of this deplorable state of things in the outer world. There is no doubt that this was the impression upon the minds of all who were sincerely bent upon the permanent improvement of society, and the introduction of more beneficent principles of government. Innocent III. had adopted this opinion at the earliest stage of his religious and political life; and, as a matter of course, he regarded the established maxims of sacerdotal government as the means specially pointed out by Providence for the accomplishment of the great work. He had made up his mind to leave the world under no mistake as to the nature and compass of those maxims, or about the use he intended to make of them. But the circumstances attending his installation will afford the proper opportunity of laying them before the reader in his own words, and in the form in which he desired them to be received by the Christian world.

Propension of thinking men for the church.

CHAPTER III.

DECLARATION OF PREROGATIVE—AFFAIRS OF SICILY.

State of the papacy at the death of Cœlestine III.—Project of the Curia—Death of Henry VI.; its consequences—Public opinion of Cardinal Lothario—his election as Pope Innocent III.—Preliminaries of the new pontificate—Innocent III. on the pontifical office—Pontifical declaration of right—Further illustrations—Intent of the declaration of right—Preliminary reforms—*Consecration sermon* of Innocent III.—The Pope the *steward* of Christ—The steward must be found *faithful*, wise—*Types* of the faithful steward—Personal application—The Pope *greater than man, less than God*—Nature and quality of the *food* to be administered—The installation of Innocent III.—The ceremonial of installation—The Te Deum—The "sedes stercoraria"—The rods and the keys—the belt, the purse, and the jewels—the largess—Principles of pontifical government—The Pope assumes the absolute sovereignty of Rome, &c.—State of the imperial acquisitions in central Italy—Sicily; papal demands against the Empress Constantia—Submission of Constantia—The Pope and the Tuscan cities—their submission—Innocent III. obtains possession of the March of Ancona—and of the duchy of Spoleto—Difficulties and precautions of the Pope—his acquisitions, how secured—Right and title of the Holy See to these acquisitions—Extension of the scheme of acquisition to all churches—Pope Innocent assumes the government of Sicily, &c.—Marcuald's expedition into Apulia; its results—Deceit of Marcuald—The Pope republishes the excommunication against duke Marcuald—The duke returns to Sicily—Count Walter de Brennes—Defeat of Marcuald in Sicily—Opposition of the chancellor Walter—Marcuald master of Sicily—Walter of Troja and duke Diephold—Defeat of Diephold and the ex-chancellor—Death of Marcuald—The ex-chancellor and Capperone in Sicily—Insurrection in Apulia—Death of the Count de Brennes—Pacification—State of Sicily—The ministers and the king—King Frederic of Sicily—his character—his marriage.

A SHORT time before his death, Cœlestine III. had recommended his nephew John, cardinal of St. Paul, as his successor. The curia, however, declined to take any step that might interfere with the freedom of election. The Pope died on the 8th of January 1198,[a] and the sacred college proceeded at once to the choice of a successor. At that moment there were not more than twenty-three cardinals present at Rome; five of the most influential members being absent on foreign missions, or engaged in the holy

State of the papacy at the death of Cœlestine III.

[a] According to the old style, A.D. 1197, that year ending in March.

war in Palestine. The political position of the papacy was critical; and it must be supposed that the curia was fully alive to the necessity of filling the vacant throne with all convenient speed, as well as of electing a person capable of retrieving the errors of the five pontificates subsequent to that of Alexander III. There seems no doubt that it was the general wish to depart from the vicious habit of choosing none but old men, with the corrupt view to a quick succession. At the same time the dangers which just now surrounded the papacy required a more youthful and a more vigorous hand than those of the aged successors of Alexander. The death of the emperor Henry VI., if properly improved, had opened a prospect of escape from the dangers which, up to that time, had brought the papacy to the verge of ruin. If the power of the empire should be perpetuated in the hands of the succeeding emperor, the prospects of Rome must still wear a gloomy aspect. In the hands of the successors of Alexander III., the treaties of Agnani and Venice had become a dead letter.[b] The dominion of the house of Hohenstauffen still embraced the whole of central Italy, enclosing the Patrimony of the Church in its folds to within a few miles of the gates of Rome. It was therefore of importance to interrupt, if possible, the continuance of the crowns of Italy and Germany in the reigning family; to fan the flame which had already burst forth in the latter country between the Swabian and Saxon candidates; and, above all, to prevent the union of the Sicilian and imperial diadems in the same hands, though it were even those of the feeble infant Frederic. Upon the success of this policy depended the reëstablishment of the papal sovereignty over Southern Italy and Sicily; the reawakening the declining spirit of the crusade, and keeping the European powers tributary to Rome for the perpetuation of the consuming warfare in the East, from which she had hitherto reaped so large an accession of power and influence.

Project of the curia.

The Roman world had been struck by the contrast between the reign of Alexander III. and that of his

[b] Conf. Book xii. c. 6, p. 174.

Death of Henry VI.; its consequences.

inert successors. The great Hohenstauffen, of all the contemporary princes of Christendom, had alone opposed the papacy on principle. But the disaster of 1168, and the accidental defeat at Legnano, had given a decisive victory to the Pope. At his death a vast prospect of advantage had been opened to the papacy; but the emperor Henry's hard head and heart of steel had baffled every attempt of his successors to improve the advantage gained; and the Patrimony of St. Peter had shrunk back into its original limits, with a long list of empty claims appended, which three months before the elevation of Innocent III., there was no prospect of ever substantiating. The unexpected death of Henry VI. changed the scene; and now the right man was sought for, to take advantage of the turn of the wheel, and convert a title *in nubibus* into a solid territorial possession.

Public opinion of cardinal Lothario.

Public opinion had for some time past pointed to the cardinal Lothario as the man fitted for the occasion. His reputation for determination and sagacity was already established; his diligent study and intimate knowledge of canon law had won the admiration of the men of the Church;[c] he was believed to possess great discernment and a tenacious memory; to be deeply versed in all divine and human learning; to be perfect master of the vernacular as well as of the literary languages; and to be perfectly trained in music and psalmody. To all these accomplishments he added a graceful person, agreeable manners, and a commanding presence.[d] In private life he had hitherto observed the mean between prodigality and parsimony; but in almsgiving and charity, he had always been generous and open-handed; yet, except when the occasion called for an extraordinary outlay, he was strictly economical. "He was," says his biographer, "severe towards the disobedient and contumacious, but benign to the humble and the devout: he was courageous, magnanimous,

[c] He was known as the diligent student "sermonum, epistolarum, registrorum, et decretalium." *Gest. Innoc. III.*, §§ 1, 2, p. 1, ap. *Baluz.* tom. i. p. 1.

[d] *Rayn.* ann. 1198, § 2, p. 2.

expert; *a stanch defender of the faith, the scourge of heresy and heretics;* a stern minister of justice, yet, in mercies, mild; humble in prosperity, and patient in adversity; and, although naturally of an irascible temper, he was always ready to pardon."

Election of Lothario as pope Innocent III.

Cardinal Lothario had been deputed by his colleagues to superintend the obsequies of the deceased pontiff. At the close of the ceremony he joined the electoral college at the convent of Septa-Solis, a spot remote from the great thoroughfares of the city, and chosen with a view as much to the safety as the privacy of the electors.[e] In the first instance, three of the older cardinals were put in nomination; the claims of Lothario, when advanced by his friends, were met by an objection to his youth and junior standing in the sacred college: he was then barely thirty-seven years of age, and no precedent could be found within living memory of so young a candidate having been elected pope. Ten votes were then given for the cardinal John of Salerno; but that number falling short of the majority required, the name of the senior member of the curia, the cardinal Octavian was proposed; but that prelate declined the scrutiny, and, setting aside all objections, declared for cardinal Lothario. His opinion was at length adopted, and Lothario was unanimously elected, and enthroned under the pontifical name of Innocent III.[f] It is possible that this resolution of the sacred college was a surprise upon Innocent: he himself declared his belief that "it was the Lord's doing, for He had often preferred the young before the old, the weak before the strong, to do His will."[g] It is moreover reported that a great marvel attended his election: three white doves had hovered over the consistory during the discussion, and when the votes fell upon Lothario, one of the birds alighted upon his right shoulder, in token of the Divine approbation.[h]

[e] *Epp. Inn. III.*, ep. i. p. 1. Conf. *Hurter*, vol. i. p. 84, note 455. The writer supposes the convent to have been situated somewhere between the Colisæum and the Stadium, and to have been chosen for safety against the German soldiery, who roved over the country to the very gates of Rome.

[f] *Gesta Inn. III.*, § 5, pp. 1, 2: conf. *Hurter*, i. p. 85. [g] Ep. i. ubi sup.

[h] *Gesta Inn. III.*, ubi sup. § 6, p. 2. Other portents are said to have at-

Innocent III. was elected on the 8th of January 1198. He was then, however, only in deacon's orders; and he deferred his entry into the priesthood to the 21st, and his consecration as bishop to Sunday, the 22d of the following month.[i] During the interval of forty-five days he was busily engaged in the preliminary duties of a new reign. He announced his accession in modest terms to all the courts, the great prelates, and monasteries of the Latin world.[k] The first great religious grievance which caught his eye was the divorce and re-marriage of king Philip Augustus of France. So great a scandal admitted of no dilatory proceeding for its correction. The new Pope did not wait for his inauguration to administer the remedy.[l] He ordered the archbishop of Paris to admonish the king to "put away his concubine, and to take back his legitimate wife." He pronounced the ordinance of matrimony to be a sacramental engagement, which, though contracted by man, derives its obligations from the Church alone. It is a union in Christ; a profound mystery; a sacrament holy unto the Lord and His Church. "If, therefore, the king repent not, and still retaineth his dissolute companion, then verily his children by her shall be bastards, and the kingdom shall depart from his house. Yea, was he not already suffering the punishment of his crime? Was not a famine even at that moment desolating his realm? For that, owing to the inclemency of the season, the crops had not ripened in his fields; the vintages had failed; hailstones the size of eggs had stripped the trees and the vines of leaves and fruit: his terrified subjects, believing that verily Antichrist was born in Babylon, and that the end of the world was at hand: then again, had not the king failed in all his wars? had he not lately suffered ignominious defeat in the field,[m] and narrowly escaped with his life? And

Preliminaries of the new pontificate.

tended the election—the usual expression of popular favour in those days.

[i] The 22d February was the second Sunday in Lent, the day on which the festival of the "Cathedra Petri" was celebrated.

[k] *Epp. Inn. III.*, epp. 1, 2, 3, pp. 1, 2.

[l] Conf. Book xii. c. 8, p. 319; and Book xiii. c. 1, pp. 335, 336 of this work.

[m] By Richard Cœur-de-Lion.

were not all these things plainly a judgment upon him for this his great sin?"[n]

Cœlestine III. had hung back in the performance of the great duty of moral censure. Innocent determined that no such stigma should attach to his administration of the pontifical powers. His duty was to make a full disclosure of the whole counsel of the Holy See to the world; to permit no doubt to rest upon the plenitude of its authority—any misconception to prevail as to its origin and jurisdiction. He was therefore bent upon placing the prerogative of his church before the world in the overwhelming majesty with which it was clothed in his own mind from the moment he entered into its service; and thus, before he had robed himself in all its glories, he spoke out:

Innocent III. on the pontifical office.

"In like manner as God, the Creator of all things, hath set in the firmament of the heavens two great lights, the greater to rule the day, the lesser to rule the night, so also hath He set up in the firmament of His Church, which is named with the name of heaven, two great powers; the *greater* to rule the *day*, that is, the *souls*—the *lesser* to rule the *night*, that is, the *bodies of men*. These powers are the *pontifical* and the *royal:* but the moon, as being the lesser body, borroweth all her light from the sun; she is inferior to the sun both in the quantity and quality of the light she sends forth, as also in her position and functions in the heavens. In like manner the royal power *borrows all its dignity and splendour from the pontifical*, so that the nearer it approaches to the greater light, the more are its rays absorbed, and its borrowed glories eclipsed. It was moreover ordained that both these glories should have their fixed and final abode in this our land of Italy—a region which, by the divine decree, *hath the principality over all others as its provinces:* our jurisdiction, it is true, extends equally over all those outer provinces; yet it concerneth us to provide with *special solicitude* for Italy, inasmuch as in that land dwelleth, *by and through*

Pontifical declaration of right.

[n] *Epp. Inn. III.*, lib. i. epp, 2, 3, p. 2. *Paris*, ed. Watts, pp. 162, 163. See also ep. 176, p. 98. Conf. *Matth.*

the combined primacy of the empire and the priesthood, the entire foundation and structure of the Christian faith, and with it a predominant principality over both."[o]

Further illustrations.

Again—said the pontiff-elect in anticipation of the assumption of the full powers of his office—"the Lord hath fashioned His Church after the model of the human body; placing the Roman church at the head, thereby subjecting, in obedience to Himself *and to her,* all other churches as members of the one body: not that they should have any self-action, nor any action at all but as limbs of the combined body; so that, in fulfilment of the law of Christ, each limb should support its own share of the burden of the body; but always in subjection to the head, in which *the plenitude of the percipient faculties* is centred; no one of them presumptuously pretending to the authority therein solely subsisting. As in the world the sun is the day, the moon the night, so in the Church it is the 'head' in which all the senses are lodged, the brain and the intellect—all, in short, that imparts life and motion to the subject members: until enlightened by the Church, man walketh in darkness or in doubtful and fallacious twilight. But the Church without the Pope were a body without a head, a shadow without a substance: self-action in any part or portion of that body were a contradiction in terms: all its action signifieth nothing *but the thought, the will, the action of the head.*"[p]

Intent of the declaration of right.

Though clothed in the language of metaphor, we have no difficulty in extracting a very precise meaning from this declaration of pontifical right. It imports an unequivocal pretension to universal empire—a dominion of the same kind as that which the head, as the residence of the directing powers of the human body, exercises over all its acts and movements. It embraces the universe of this world and inures unto eternity. All earthly dominion is simply *derivative:* its light—or, in the sense of the author, its right and power to act—is in strict subordination to the great luminary by which such right and power is imparted: the

[o] *Gesta Inn. III.*, § 11, pp. 3, 4.

[p] *Epp. Inn. III.*, lib. i. ep. 117, p. 66; ep. 335, p. 191.

kings and princes of the world are the proper subjects and servants of him from whom their vicarious faculties proceed, and for the use of which they must render an account to him as stewards to their principal; and take his directions as servants from their lord.

Preliminary reforms.

The principal reform he took in hand before his consecration was that of the civil and ecclesiastical courts of justice. Among the many abuses which had crept into the practice of these courts, none had been so prolific of hardship to the suitors, and illicit gain to judges and practitioners, as the custom of referring all suits in the first instance to some member of the curia for his report. The final decision appears hitherto to have been grounded on this report without further inquiry; affording ample opportunity for bribery and extortion, without the means of detection or redress. The new Pope not only prohibited any unusual or extraordinary gratuities and honoraria to his judges, but instead of delegating the decision of causes to cardinals or commissioners, himself held consistories three days in the week, and personally examined all reports, heard appeals, and gave judgment in all cases of greater importance—where the temptations to give and receive bribes ran highest—leaving the minor and less lucrative suits to be decided by his delegates. The learning and impartiality of his decisions inspired general confidence in the intelligence and integrity of the judge.[q] He insisted strictly upon the like incorruptibility from those to whom he delegated his authority; he exercised over the episcopal courts the same vigilant superintendence, and exhibited the like anxiety to eradicate the same malpractices of ecclesiastical judges as those which had hitherto polluted the sources of justice at home.[r] With a view to the uniformity of proceeding, as well as to the practical instruc-

[q] *Gesta Inn. III.*, § 41, p. 17.

[r] Thus, he censured the prelates of Lombardy for extorting from the suitors in their courts more than one-tenth of the value of the matter in dispute. *Rayn.* an. 1198, § 26, p. 11. He rebuked the clergy of Milan for the extortions, frauds, and forgeries (particularly the forgery of papal bulls), common in their church. *Epp. Inn. III.*, lib. i. ep. 349, p. 201: and conf. *ibid.* ep. 235, p. 125. He was specially indignant at the practice of usury among the clergy. See his letter to the archbishops and bishops of France. *Ibid.* lib. i. ep. 399, p. 234.

tion of foreign bishops, he insisted that all strangers of a certain rank in the Church who might at any time, or for any cause, be residing in Rome, should attend his judicial sessions; that they might take instruction at the fountain-head in the forms and principles upon which all causes, whether among one another, or the litigants in their courts, ought to be decided.[s]

As before observed, Innocent was consecrated priest and bishop on the 22d of February 1198. The ceremony was performed in the church of St. Peter by the official consecrator, the cardinal-bishop of Ostia, in the presence of four archbishops, twenty-eight bishops, nine cardinal-deacons, and ten abbots.[t] As soon as the rite of consecration was over, he ascended the pulpit and delivered a solemn "Concio ad clerum" from the words of Christ—"Who then is that faithful and wise steward whom the Lord shall make ruler over His household, to give them their portion of meat in due season."[u] "Who is that steward? It is he to whom the Lord omnipotent said, 'Thou art Peter, and upon this rock I will build my church, and the gates of hell shall not prevail against it!' This foundation cannot be shaken—no tempest shall overwhelm the ship of Peter; for Christ Himself is on board; and there shall be a perfect calm; and men shall wonder and say, 'Who is he whom the winds and the waves obey?' . . . Christ is the Rock upon which the Holy See is founded, and upon that Rock she stands in perfect trust that, according to His promise, 'He will be with her even unto the end of the world.' Now inasmuch as *this chair is not established by man, but by God alone*, therefore doth the heretic and the schismatic busy himself in vain; . . . in vain the treacherous wolf striveth to ravage his fold—to split the rock—to overthrow the candlestick—to extinguish the light. . . . Therefore I fear not; for *I am that steward* whom the Lord hath placed over His household to give them their meat in due season.

Consecration sermon of Innocent III.

Text.

[s] See his letter to the bishops of Tours and Dol. Epp. lib. i. ep. 168, p. 89.

[t] *Gesta Inn. III.*, § 7, p. 2.

[u] Luke xii. 42.

"But I am but a *steward*—the 'servant of servants'—not the lord of the household. I am he of whom the Lord saith, 'The kings of the Gentiles exercise lordship over them, and they that exercise authority are called benefactors; but ye shall not be so; but he that is the greatest among you let him be as the younger, and he that is chief as he that doth serve.' Therefore my desire is to serve, not to rule: and herein I follow the example of my great predecessor Peter, who desired not to rule over his clergy, but to be an example to the flock of Christ.[v] . . . Great is the honour—I am set over the household—but greater is the burden! I am the servant of servants, the debtor to the wise and the unwise: hardly do I dare to contemplate the charge that is laid upon me, lest I lose the courage to bear it; but my trust is in Him who upheld Peter that he should not sink in the waves of the sea.

The Pope the *steward* of Christ.

"Now have you heard *who* and *what* the steward is that is found faithful. Hear now what his duties are. As the Lord's steward, he must possess three gifts, viz. faith in the heart, wisdom in action, and food to put into the mouth of the household: *I must be established in the faith*, that I may establish others: I must be as Peter, for whom the Lord prayed that his faith might not fail; and of a truth this prayer was granted, therefore the *faith of the apostolic chair cannot falter or fail:* above all things, I must have this faith, because in all but *that* I am subject only to the judgment-seat of God; but in errors of faith I may be judged by the Church.[w] Undoubtedly I have that faith, because it is the apostolic faith.[x] But faith without works is dead. My *works*, therefore, must be *wise* as well as faithful: as it is written, 'Be ye wise as serpents:' this I must be that I may distinguish the good from the evil—that I may not sentence souls to death, or in this

The steward must be found *faithful.*

Wise.

[v] 1 Peter v. 3.

[w] An odd confession; after putting himself in Peter's place, whose faith could not fail, what kind of responsibility to the Church could by possibility be contracted?

[x] He probably alludes to the *Ennodian* doctrine of papal impeccability. He has this faith *ex officio.* Conf. Book iii. c. 2, p. 76 of this work.

life unwisely determine who shall live, and who shall die: for this cause I must learn how to know light from darkness—how to distinguish the sound from the unsound, so that I call not 'evil good, and good evil.' As the high-priest of the Old Testament was *the type and pattern of the Pope*, so also is the four-cornered breastplate which adorned his robe the type of the four cardinal distinctions; those, namely, of the true from the false, and the good from the evil. The Pope must distinguish the true from the false, that he may not himself err from the truth.[y] He must distinguish the good from the evil, that he may be enabled to discern the true character of men's works: the breastplate is, moreover, four-cornered, to denote the fourfold meaning which he must observe in Holy Scripture; namely, the *historical*, the *allegorical*, the *tropical*, and the *analogical*(?): the breastplate is likewise *double*, figuring thereby the old and the new covenants, upon which point the Pope must labour under no mistake; for it is 'the letter that killeth, but the spirit that maketh alive.' Again, the sacred breastplate is four-cornered, to signify the New Testament, which is contained in the four Gospels; and it is double, to typify the Old Testament, which was written upon two tables of stone. How great ought to be the wisdom of him who hath to make answer to the wisdom of all—to solve all enigmas—to dissipate all secret doubts—to manage the affairs of all—to revise all judgments—to explain all Scriptures—to preach to the people—to punish the disturbers of the peace of the Church—to strengthen the weak and wavering—to confound heretics—to cover the whole Catholic body with the shield of his protection! *Where* is the man competent to such a task? How highly must we prize and laud him! Therefore saith the Lord emphatically, '*Where* is that faithful servant, that I may place him over my household?'

Types of the faithful steward.

"But *I am he whom the Lord hath placed over His household:* yet who am I that I should *sit on high*

[y] Of which *ex hypothesi* he is in no danger, if he has the faith which cannot fail him as successor to Peter.

above kings, and fill the seat of honour above all princes? For *of me it is written in the prophets,* 'I have set thee over the nations and over the kingdoms, to root out and to pull down and to destroy and to throw down, and to build and to plant.'[z] Unto me it is said through the apostle Peter, 'I give thee the keys of the kingdom of heaven; that which thou shalt bind on earth shall be bound in heaven.' The same, indeed, was said to all the apostles; but it was to Peter *singly* and solely that this was said; *therefore Peter received power to bind all the other apostles* (!), yet cannot be himself bound by any of them. Again, 'Thou shalt be called *Cephas,*' which means 'the head.'[a] Now as the head is the seat of all the senses, and as every other member hath its part and portion in the same, so all the members are bound to bear their part of the burden of the whole body, as well as of the cares of the head; but *Peter alone is raised to the fulness of dominion over the whole.* *Personal application.*

"I have now shown you *who* and *where* that steward is whom the Lord hath set over his household: and what then is he? What but *the vice-roy of God,* the successor of Peter; *he that standeth in the midst between God and man —somewhat lower than God, but above man;* LESS THAN GOD, BUT GREATER THAN MAN.[b] He is the judge of all, but is judged of no one: yet, high as he stands above all, he is but the servant of all, and humbleth himself below all: for from him 'to whom much is given, much is required.' Now his household is *the whole Church;* and this household is *one,* though it consists of many servants. It is the '*one* dove,' the '*one* flock under the *one* shepherd;' the *one* ark under the *one* pilot; out of which, if any one remain, *he and all shall surely perish in the flood.*"[c] *The Pope greater than man, less than God.*

The concluding portion of the pontifical address

[z] Jerem. i. 10.

[a] A very catholic blunder: κῆφας is a Syro-Chaldaic word signifying 'stone' or 'rock.' Vid. *Schleusner* ad voc.

[b] "Inter Deum et hominem medius constitutus; citra Deum, sed ultra hominem: *minor Deo, sed major homini:* qui de omnibus judicat, et a nemine judicatur."

[c] After this, who shall object to an *Inquisition* of the faith!

Nature and quality of the *food* to be administered.

touches upon the nature and quality of the *food* to be administered by the faithful and wise steward. The office of distributing this food is exclusively delegated to Peter.[d] It is to consist of the nurture of example in life and conversation, of preaching, and the administration of the sacraments. This last subject of his discourse he illustrates by many quotations from Scripture, expounded in a vein of prophetic inspiration better adapted to make an impression upon his hearers than upon the modern reader of the address. He concludes with a devout exhortation to the brethren to pray for him incessantly, that grace may be given him worthily to fulfil the great office of apostolical servant of the universal Church.

The installation of Innocent III.

It could not be expected that the commonalty of Rome should enter minutely, or even intelligently, into the esoteric meaning of the series of types and symbols in which it pleased the new Pope to envelop the theory of the Cathedra Petri. The medium of ocular and visible representation was required to instil into the lay population any adequate sense of the transcendental character of the vicar of Christ on earth. This kind of representative display was suited as much to the peculiar turn of mind of Innocent III. as to the general system of popular instruction established in the Latin Church. He had preached to the ears of the clergy; he now preached to the eyes of the people. The ceremony of inauguration had been much improved by the preceding pontiffs, particularly by Cœlestine III. It appears that within the six weeks of his novitiate the new Pope had digested and arranged the ceremonial, so as to impart to it a degree of splendour and significance most acceptable to a populace so fond of pageantry as his

[d] We add, in a note, another among the many curious specimens of figurative exposition abounding in the works of Innocent III. "Our Lord," says the Pope in this inaugural sermon, "established the primacy of Peter *before*, *during*, and *after* his passion: before his passion, when he said to him, 'Thou art Peter,' &c.; during his passion, when he said, 'Simon, Satan hath desired to have thee, &c., but I have prayed for thee, &c.;' after his passion he said to him *thrice*, 'Feed my sheep:' in the *first* of which addresses he signified the sublimity of the dignity to which he had raised him; by the *second*, the firmness of his faith; by the *third* he conferred upon him the office of *shepherd*," &c.

Roman subjects. A general conception, obtained by means of an easy and agreeable exercise of the senses, was all that was necessary to send them away with minds filled with such vague, yet brilliant pictures, as should rivet their attention upon the person and office of the hero of the day, and fix in their memories the impressions thus produced.

The ceremonial of installation.

While the ceremony of the consecration was proceeding, the populace of Rome thronged the gates of the great Basilica. The doors were then thrown open, and the name of him who had been chosen to preside over the Catholic Church was solemnly proclaimed amidst the loud hallelujahs of the joyful throng. The crowd accompanied him from St. Peter's to the palace of the Lateran, and thence to the great patriarchal church of the Lateran, where he was to be installed.[e] Supported between two cardinals, the new Pope was conducted to the high altar, attended by the cardinal clergy and dignified ecclesiastics of the city in procession; all present joining in a solemn Te Deum, after which he was seated on the pontifical throne; the princes and prelates of the Church then prostrated themselves at his feet in adoration, and received from him the kiss of peace. From the exalted seat of honour he was led away to a stone settle, placed outside the church, called the "sedes stercoraria,"[f] that the word of the prophet might be fulfilled—"He raiseth up the poor out of the dust, and lifteth the needy out of the dunghill, that He may set him with princes, even with the princes of the people."[g] Three handfuls of small coin were then handed to him; these he cast from him, repeating the words of Peter—"Silver and gold have I none; but such as I have give I unto thee."[h]

The Te Deum.

The "sedes stercoraria."

[e] We offer no apology for borrowing most of the particulars relating to the installation of Innocent III. from his learned and enthusiastic biographer, *Hurter;* though in the perusal we have not been able wholly to dismiss from our minds a suspicion that some of the ceremonies he so elaborately describes belong to a later era. Gesch. Pabst Innocent III. vol. i. pp. 89, 90.

[f] Quasi "the dungheap." *Hurter* observes, that this seat or settle became afterwards notorious in connection with the fable of Pope Joan. Quoting Mabillon (Notæ ad Ordin. Rom.), that author says, from personal observation, "neque enim *pertusa* erat, uti oculis ipsi probavimus."

[g] Ps. cxiii. 7, 8.

[h] Acts iii. 6.

A cardinal and the prior of the church approached, and raised him from the seat of humiliation, presenting him again to the people from the steps of the porch, in the words—"The blessed Peter hath chosen Innocent to be our lord." The magistrates of the city then drew nigh, and escorted him to the basilica of St. Sylvester.[i] In front of the church there was a bench of porphyry, on which the new Pope was seated, and there received from the hands of the prior of the church two rods, emblems of the powers of direction and reproof; afterwards the keys of the church of the Lateran, the church of all churches, and those of the pontifical palace, were delivered to him, signifying that unto the blessed Peter, and through him to his successor the Pope, was given all power to open and to close, to bind and to loose, upon earth. After a few other symbolical ceremonies, the prior of St. Sylvester girded him with a belt of crimson silk, to which was appended a purse of the same colour, containing twelve jewels of great value, and a piece of ambergris: the girdle to remind him of the obligation of chastity; the purse to signify the treasury of the Church for the maintenance of the poor of Christ, the widows, and the orphans; the twelve jewels to typify the twelve apostles, whose powers and virtues were centred in him; and the piece of ambergris, the sweet savour of the Word, as it is said, "We are to God as a sweet savour of Christ."[j] The officials were then admitted to kiss his feet; and a second time a bag of small coin was presented to him, out of which he took three handfuls and cast them among the multitude, saying, "He hath dispensed, he hath given to the poor; his righteousness endureth for ever."[k] The Pope next went in procession to the church of St. Lawrence, where he remained in prayer for a prescribed time, before a temporary altar, and then retired to the palace for the needful rest and refreshment.[l]

The rods and the keys.

The belt, the purse, and the jewels.

The largess.

[i] In front of the porch of this church there stood two columns of porphyry, supporting a platform above, on which stood an image of the Saviour, which, when struck in the face by a fanatical Jew, shed drops of blood.

[j] 2 Cor. ii. 15.

[k] Ps. cxii. 9.

[l] This ceremonial is, for the most part, extracted from the Ordo Roma-

Considering together the preliminary declaration of right, the sermon, and the ceremonial of installation, we perceive very clearly the scope and intent of the scheme of the papacy, as matured in the mind of Innocent III. The effulgent self-existence of the sun, and the feeble borrowed light of the moon, fully bring into contrast the essential differences between the spiritual power and the powers of the world. The former subsists for and by itself, as an immediate emanation from the Godhead; the latter hath no light, no existence but as an inert and useless material, except through the spirit breathed into it by the Church. This pregnant similitude expresses in a material form the relation to be established between the Church and the State; the Church subsisting in the Pope, as the members of the body subsist in the head; the State subsisting in the Church as a derivative and subject function. Both powers are therefore coexistent in the hands of the spiritual head: the pontiff of Rome is in effect the light that lighteth every man that cometh into the world. His dominion is irresponsible, uncontrollable by human laws, unaffected by human opposition. In his presence all minor powers grow pale, as the light of the moon paleth in the presence of the sun; he dwells in the same unapproachable glory on earth in which the divine Majesty dwells in heaven; he is less, indeed, than God in the relation of the creature to the Creator, but he is greater than man as a sharer in the divine attributes. His powers are immeasurable indeed; but his duties are equally so; therefore he cannot perform them except under a state of chronic inspiration, whereby he becomes the immediate organ of Deity; and any denial of his authority amounts to the crime of blasphemy, for which no punishment can be too severe.

Principles of pontifical government.

The principle that, humanly speaking, *the Pope can do no wrong*, thus solemnly expressed and adopted by pope Innocent III. at the outset of his career, leads to a pregnant conjecture of how he was likely to encounter

nus, ap. Mabillon, and Cencio Camerario. We have selected only the most characteristic of the ceremonies. The whole of the detail may not have dated from the days of Innocent III.

the profane and practical opposition he was sure to meet with in his dealings with an unenlightened world, more especially as to what kind of treatment those who ventured to deny the great principle of theocratic government, and to drag him before the tribunal of public opinion, would have to put up with at his hands. It requires, indeed, strong confidence in the integrity and sincerity of the authors of the papal scheme to divest ourselves of the suspicion that the enormous powers claimed under it were not a mere mask to disguise the naked aspirations of worldly ambition. But this very enormity was its safeguard. The worldlings retreated before it, and contented themselves with that desultory resistance by which they might, without the danger of direct collision, express their secret repugnance, or slip aside from a yoke in direct contradiction to the principles towards which European society has always gravitated.

The Pope assumes the absolute sovereignty of Rome, &c.

The first care of the new Pope after his installation was to efface the last vestiges of the imperial supremacy in Rome, and in all parts of the Patrimony in which his commands were least likely to encounter active resistance from the German occupants. The citizens, indeed, had insisted clamorously upon the usual donative at the commencement of every new reign; but though reluctantly granted, every other obstacle appears to have vanished, and the Pope was enabled quietly to displace all the judges who had taken the customary oath to the Emperor, and to replace them by persons nominated by, and sworn to, himself. From the senator or representative of the legislature, and the prefect or chief justiciary of the city, who had hitherto held their commissions from the Emperor as officers of the crown, he exacted an unqualified oath to himself *as sovereign*. By this oath the prefect engaged to make diligent inquest as to all the territorial and fiscal rights of the Holy See; to collect and account for its revenues, and faithfully to defend its castles and forts committed to his charge for the sole use and benefit of the Church; to admit no one within them with-

out the Pope's license; to build no new ones; and to hold himself prepared, at all times, to render a just and true account of his administration, and without hesitation to resign his office whenever he should be called upon so to do.[m] All these officers, in token of undivided allegiance, did liege homage to the Pope, and were invested with their several offices by forms indicative of the exclusive sovereignty of the Holy See.[n]

These bold measures, which, but a short time before would have been fraught with danger to the Holy See, were, even now, adopted in the face of a military opposition which might draw after it serious consequences to the government of the new pontiff. But pope Innocent knew the ground upon which he stood. If we could implicitly trust the reports of their adversaries, there was scarcely a form of cruelty and oppression the imperial lieutenants in Middle and Southern Italy had not inflicted upon the hapless inhabitants of the provinces under their command. Some time prior to the death of Henry VI., the more considerable cities of Tuscany and the bordering districts had come to an understanding among themselves, with the privity of the court of Rome, to oppose combined resistance to the tyranny of the governors. In short, within the lifetime of Pope Cœlestine III., the whole of Central Italy was ripe for revolt; and when the sole command dropped from the hand of the Emperor, all unity of effort for the defence of his conquests was lost; and the German adventurers who held the principal towns and fortified posts, each vavasor and petty castellan was left to make the best of his unsupported and isolated position.

State of the imperial acquisitions in Central Italy.

But of all the consequences of the collapse of the imperial authority consequent upon the decease of Henry VI., none was comparable in importance to the papacy, to the position in which the empress Constantia and her infant son Frederic found themselves involved by that event. Upon her return to Palermo from the deathbed of her husband,

Sicily; Papal demands against the Empress Constantia.

[m] *Gesta Inn. III.* § 8, p. 2. And see the form of the oath shortly set out in *Epp. Inn. III.* lib. i. ep. 23, p. 12; and more at length in ep. 577, p. 329.

[n] *Gesta*, ubi sup.; *Epp. Inn. III.* ubi sup.; *Hurter*, vol. i. p. 125.

she did not lose a moment in throwing herself unreservedly into the arms of the Holy See. Abandoning without a thought the independent sovereignty asserted by the late Emperor, she requested the Pope to grant to her infant son the pontifical investiture of the kingdom of Sicily, the duchy of Apulia, and the principality of Capua, in the same form and upon the same terms as those by which they had been held by her predecessors. Such terms, however, did not suit the despotic policy of Innocent III. He remembered how sorely the treaty of St. Marcion[o] had clipped the wings of the curia in the management of the southern churches: no appeals to Rome; no legates; no visitations, no consecrations, or other ecclesiastical interferences without consent of the king; bishops to be freely elected, and confirmed in their sees (invested) by the crown. Though the treaty of Hadrian IV. had been solemnly approved by Clement III., pope Innocent did not scruple at once to denounce the deed as derogatory to the honour of the Holy See, and destructive of the liberties of the Church. He made the abandonment of every prerogative of the crown in relation to the Church and her officers a condition precedent to the grant of the pontifical patronage. The Empress and her son were required to do homage to the Holy See in the usual form; to pay 600 sequins annual tribute for Apulia and Calabria, and 400 for the separate district of Marsia;[p] to restore to the bishops of the kingdom the fullest freedom of election, with reserve of the ultimate approval of the Pope; to give perfect liberty of appeal to Rome to all ecclesiastics, and to entertain at all times a superintending legate of the Holy See with full powers to act on behalf of the Empress and her son during his minority. To these demands the Pope annexed the well-known 'non obstante' clause, to guard against any revival of the privileges granted by Hadrian IV.[q] To these terms the Empress submitted without a murmur; and sent her representatives to perform the acts of

Submission of Constantia.

[o] Between Pope Hadrian IV. and William II. of Sicily. See Book xii. c. iii. p. 76 of this work.

[p] Probably the modern province of Abruzzi.

[q] *Gesta Inn. III.* § 21, p. 5. Conf. *Epp. Inn. III.* lib. i. epp. 242, 243, 410, 411, 412.

homage, and to pay the money stipulated for the investiture. Octavian, cardinal-bishop of Ostia, was forthwith despatched to Palermo as pontifical commissioner, to receive the submission of the clergy of the kingdom, and to impress the sovereign and her subjects with a lively sense of the resolution of the Pope to tolerate no opposition to his government.[r]

The Pope and the Tuscan cities.

Meanwhile the cities of the Tuscan league had risen in open insurrection against Marcuald, the imperial governor of the March of Ancona, and had carried on the war independently, and with unexpected success. This state of affairs did not suit the policy of the Pope. He reminded them that the gains acquired against the German usurpers were his property. But the cities objected to surrender the towns and castles conquered by their arms to the officers of the Pope; and went so far as to charge him with a design against their own municipal liberties, and a desire to make their hard-won deliverance subservient to his own selfish purposes.[s] Innocent, on the other hand, suspected the league of an intention to appropriate and govern the conquered districts for their own benefit, without regard to the rights of the Holy See. To meet that intention *in limine*, he directed his officers to demand immediate possession of, and to admit his garrisons into, all places, castles, or towns taken by the confederates from the Germans. Innocent reminded them of the awful nature of the power they had dared to oppose by word and deed; their suspicions were a crime against Him whose successor he was, "one in whom there was no sin at all, neither was any deceit found in his mouth."[t] He informed them that their compact was inconsistent with the dignity and prerogative of the Holy See as the sovereign of the territories in question: no such league could be

[r] "Imperatricis . . reginæ ac filii ejus Frederici Siciliæ regis, fidelitate pariter et obsequio stabilire, *contumaciam deprimens superborum, et colla sublimia commissa sibi* (legato) *potestate conculcans.*" *Epp. Inn. III.* lib. i. ep. 413, p. 244.

[s] *Epp. Inn III.* lib. i. ep. 83, p. 47.

[t] *Epp. Inn III.* ubi sup. "Licet nos peccatores simus, et nati de peccatoribus, *illius tamen vices exercemus in terris*, qui peccatum non fecit, nec inventus est dolus in ore jus; qui cum sit Dominus omnium . . . in nobis honoretur cum honoremur, et contemnetur cum contemnemur."

formed without the sanction of the Pope; that the *whole of Tuscany* belonged of right to the estate of the Roman Church, the title-deeds of which right were open to inspection;[u] as subjects therefore of that Church, her authority alone could impart a legal existence to their league; nor could it exist at all except under a strict reservation of the rights of the Holy See. Provided, however, that their own municipal privileges were not invaded, the Tuscan cities preferred the superiority of the See of Rome to that of the Germans. Innocent was aware of the importance of his support to their newly recovered liberties, under the harassing warfare to which they were still exposed with the mailed warriors, who occupied many a commanding post around them. His rebuke had the desired effect; they dismissed their suspicions, and appointed a committee to take the oath of allegiance to the Pope in their name, and engage to maintain the right and title of the Roman Church and all its possessions; and to permit no one, *whether emperor or king*, to set foot within the province without the special permission of the Pope.[v]

Their submission.

The contest for the possession of the crown at that moment raging in Germany left the imperial lieutenants in Italy destitute of all hope of assistance or relief from home. Their garrisons were daily wasting under the incessant assaults of the insurgent cities; and now that the Empress had thrown herself into the arms of the Pope, no alternative remained but to make the best bargain for themselves. Innocent summoned Marcuald to surrender the Marches of Ancona, Romagna, and Ravenna, as the absolute right and freehold of the Holy See. Marcuald replied by a counter proposal on his part, to hold them as fiefs of the Roman Church. The Pope rejected the offer, as a fraudulent evasion of his duty. Resistance was out of the question; and Marcuald withdrew his garrisons, and retreated with them into Sicily, retaining

Innocent III. obtains possession of the March of Ancona,

[u] "Sicut in privilegiis Ecclesiæ Romanæ occulata fide perspeximus contineri." Alluding to the testament of the Countess Matilda of Tuscany.

[v] *Gesta Inn. III.* § 11, pp. 3, 4.

only a few of the most defensible places, or such as were still disposed to follow the fortunes of the empire.[w] "Thus," says the biographer of Innocent, "the whole of the March of Ancona, excepting Ascole, was reduced under the dominion and fidelity of the Church."

Innocent III. uniformly treated the imperial governors of the states he coveted as criminal intruders. Marcuald of Ancona and Conrad of Spoleto, with all their adherents, were solemnly excommunicated. This step stimulated the popular animosity, and tended to introduce doubt and hesitation into the movements of his adversaries. Duke Marcuald was disposed of for the present; the case of Conrad presented greater difficulty. The citizens of Assisi and Perugia refused to comply with the demand of the Pope to surrender to him the forts and citadels recovered from the Germans. They apprehended that compliance would be but an exchange of one kind of servitude for another. The haughty republicans of Pisa rejected the papal summons to acknowledge the supremacy of the Holy See, and were excommunicated for contumacy. But here pope Innocent had overshot his mark; neither menaces nor censures were of avail to drive these stray sheep back into the fold. An exceptional case of this kind, however, gave him no serious alarm. The cities and towns of the Tuscan league adhered to their engagements, and, for the most part, surrendered their acquisitions into the hands of the commissioners sent to take possession of them on behalf of the Pope, though with reserve of their ancient liberties, and of their rights of self-government as feudatories of the Holy See.[x] Duke Conrad, indeed, still held parts of the duchy; but he was now surrounded by enemies, against whom there was no prospect of holding out for any length of time. He therefore made a merit of necessity, and, upon condition of absolution from the curse of the Church, surrendered to the Pope all that remained in his hands of the imperial duchy of Spoleto. The example of the cities was followed by the barons, vavasors, and

and of the duchy of Spoleto.

[w] *Gesta*, &c. § 9, pp. 2, 3.

[x] *Gesta Inn. III.* § 13, p. 4.

landholders in the mass; and the Pope might regard the entire province as politically incorporated with the patrimony of St. Peter.[y]

Difficulties and precautions of the Pope.

The Pope had, throughout this conflict with his foreign enemies on the one hand, and the jealous suspicions of the confederated cities on the other, grounded his pretensions upon the paramount duty of his allies to maintain the honour and to advance the interests of the Holy See.[z] Delays, hesitations, complaints, had protracted the surrenders, and entailed serious and vexatious outlays upon the papal treasury. The sieges or blockades of Radicofani, Aquapendente, Montefiascone, and other towns on the northern frontier of the Patrimony Proper, had turned out difficult and expensive. The claim of the Holy See to the whole or a great part of the old exarchate of Ravenna was disputed by the patriarch of that city, upon the strength of ancient grants and immemorial possession;[a] and Innocent, though generally peremptory in his demands alike upon laity and clergy, was at this moment unwilling to involve himself in a dispute which might deprive him of the support of so powerful a vassal of his Church. The question between the Holy See and the patriarch was allowed to sleep for the present; and the Pope employed all his military resources in clearing his new acquisitions of the bands of marauders and predatory gentry which infested the roads and impeded his communications. He strengthened the defences of his frontier towns, more especially Radicofani and Aquapendente, and threw garrisons, under castellans of his own, into these and other strong positions, for the protection of the peaceable inhabitants, and the security of the revenues derivable from the subject territories.[b]

His acquisitions; how secured.

Regarding the right and title to these acquisitions from

[y] *Gesta Inn. III.* § 10, p. 3.

[z] *Epp. Inn. III.* lib. i. epp. 6, 171, 176, 202, 230, 257.

[a] *Gesta Inn. III.* § 11, p. 4.

[b] *Ibid.* §§ 14 to 17, pp. 4, 5. He ordered military execution against the town of Narni for destroying the papal fort of Otricoli, and compelled the townsfolk to rebuild it at their own expense; to pay a heavy fine to his treasury; and to renew their oath of allegiance to the Holy See. *Ibid.* § 16, p. 5.

Right and title of the Holy See to these acquisitions.

a secular and legal point of view, it would be difficult, if even possible, to reconcile the pontifical pretensions with the ordinary principles of law and justice among men. The papal writers present the conquests of pope Innocent III. as a simple reinstatement of the Holy See in her ancient rights.[c] There was, however, at best a merely constructive, never an actual *possession*, as to three-fourths at least of the territories in question. Supposing even the title to be generally sustainable, yet where no visible or tangible consideration has ever passed to the grantor or original possessor, natural equity would require at least that some kind of seizin under the grant should be shown, as evidence of the intent of the grantors, as well as of the nature and extent of the grant itself. Irrespectively of any "nullum tempus" allegation on behalf of the Church to exempt her from the ordinary rules which govern all human rights, we find that the mode in which the parties to these supposed donations dealt with them affords no explanation either of the intent of the donors or of the nature and limits of the donation itself.[d] There remains, therefore, only a naked claim of an indefinite nature and extent, to sustain the title of the Holy See to the possession of regions of different names and bounds, as to very few or none of which she could show an actual seizin from the time of the supposed grants to the period now under review. This naked title, however, was, it is admitted, sustained by a *perpetual claim;* the whole had been continuously demanded; nothing had ever been renounced or retracted; and the pontiffs of Rome had from all time insisted that the right legally drew after it the possession; that they were therefore always, in legal contemplation, so far in possession, as to impress upon all adverse occupation the character of illegality and usurpation. The *jus divinum*, however, stepped in to the relief of any doubts that might cling to the legal argument.

[c] *Raynald*, Ann. Eccl. an. 1198, § 18, p. 8. Conf. c. i. pp. 329 et sqq. of this book.

[d] It is to be observed that the Patrimony Proper (the Byzantine duchy of Rome) formed no part of any of these donations, genuine or fictitious, unless it be under that of Constantine; to which, however, no intelligent person would now appeal.

The thing once devoted to sacred uses could never be affected by adverse possession. The fact of the dedication, once established, was regarded as sufficient evidence of title; and nothing was believed to be wanting but a *constant claim*, to show that the right of immediate possession had never been extinguished by lapse of time or silent acquiescence in the diversion. This claim, it is true, had never been allowed to sleep; yet, though the argument may not have met with a direct contradiction, men were not easily persuaded to admit in practice so broad a difference between the divine and the human principles of right and justice in their application to the things of the Church and the world. We find them, therefore, acting in general as if no such claim had ever been heard of.[e]

Extension of the scheme of acquisition to all churches.

For like reasons, pope Innocent was anxious to extend the principle of his own government to that of all subordinate churches. He sent circular letters throughout Christendom, exhorting the clergy to watch over the territorial revenues and franchises of their churches with the utmost vigilance and jealousy; to insist upon the punctual payment of tithes; to revive dormant titles; to reclaim alienated estates; to guard strictly against future alienations; and to suffer no lapse of time or disuse to operate against the ancient rights of their churches. He looked upon the payment of "Peter's pence" as the universal acknowledgment of spiritual submission; and he was accordingly rigorous in his injunctions to the clergy to insist upon its diligent collection and transmission to the Holy See.[f] The great object of his life was to infuse into every limb of the ecclesiastical body the principles of his own administration; and, by the consistency of such principles, to produce unity of action for the fuller accomplishment of the great theocratic scheme, of which he never for one moment lost sight to the last day of his long pontificate.

[e] The 'splendor pristinus' to which, according to Raynaldus, the Church was restored by Innocent III., describes the golden age of the papacy, which, like the dream of the poets, never till then had any real existence.

[f] *Epp. Inn. III.* lib. i. ep. 205, 217, 250, 292, 294, 388, 416, &c.

The year 1198 was fruitful of opportunities for that object. The anarchical state of Germany, to which we shall advert in the following chapter, and the eclipse of the Hohenstauffen power in that country, set the Pope free from all fear of hindrance from that quarter. And now, within a twelvemonth of the death of Henry VI., his widow, the empress Constantia, breathed her last, committing the regency of the kingdom of Sicily and its appendages to pope Innocent, and with it the guardianship of her infant son, Frederic. The pontiff's first care was to notify his accession to the government as regent, in ample phrase, to the ministers, bishops, and barons of the kingdom.[g] Meanwhile, however, the enterprising Duke Marcuald had set up a pretended will of the late Emperor, by which he was appointed regent during the minority of the young king. In support of his claims he had assembled a large force of Germans and other malcontents; and when the pontifical commissioner, cardinal Gregory, appeared in Sicily to receive the oath of obedience of the constituency of the kingdom, he found the country so torn by contending factions, as to render it impossible to form a government, and to send him back in a hurry to Rome for further instructions.[h]

Pope Innocent assumes the government of Sicily, &c.

Marcuald meanwhile had passed with his levies into Apulia, and besieged and obtained possession of the papal city of St. Germano. The garrison retired to the fortified convent of Monte Casino, and in that position defended themselves bravely, till reinforced by fresh troops, and supplied with provisions from Rome. Want of the like supplies compelled the duke to raise the siege, and to open negotiations with the Pope. The latter, however, as an earnest of his resolution to listen to no terms but those of unqualified submission, republished the excommunication against the duke and his associates, Drephold, Siegfrid, Herman, and some others.[i] Under the impression

Marcuald's expedition into Apulia; its results.

[g] *Epp. Inn. III.* lib. i. ep. 410, p. 241.
[h] *Gesta Inn. III.* § 23, p. 6; *Rayn.* an. 1199, § 2, p. 37.
[i] *Epp. Inn. III.* lib. i. epp. 317, 557, and lib. ii. ep. 171, p. 446, where the form of the excommunication is set out.

that the Pope was open to a bribe, he offered to pay 2000 ounces of gold down, and promised a subsidy of 20,000 ounces, together with the absolute suzerainty of the kingdom, and a double amount of tribute as soon as he should be in possession of Palermo and of the person of the young king, as his guardian and regent of the kingdom.[j] The offer was of course rejected, and the cardinal Ugolino was sent to inform him that no terms would be granted but those of implicit submission, and an unqualified engagement to obey the commands of the Pope "in all things for which he had incurred the sentence of excommunication." What these things were was announced to him by the cardinal. He was commanded to abandon all pretensions to the regency; to abstain from invading the Patrimony of St. Peter; to restore all the plunder he had collected in the course of his late inroad; to indemnify the monks of Monte Casino for the injury done during the siege of St. Germano and the assault of the monastery; and for the future to abstain from obstructing the officers of the Holy See in the execution of their duty; from laying violent hands on ecclesiastics of any degree, or attacking any castle, fort, or place in their custody, unless first attacked by them.[k] Seeing no chance of changing the Pope's resolution, or of intimidating the legate, he accepted the terms, but requested the legate to delay the publication of the transaction till he should have had a personal interview with the pontiff, to whom he had important information to impart. The cardinal, glad to escape from the den of lawless banditti by whom he was surrounded, readily granted the delay required. Marcuald took advantage of the short interval to spread abroad a report that he had not only obtained from the Pope an unconditional abso-

Deceit of Marcuald.

[j] He is said, with strange inconsistency, to have at the same time insinuated that Frederic was a changeling, and not the son of Henry VI. or of Constantia. The story is obviously untrue. *Gesta Inn. III.* § 23, p. 6.

[k] *Gesta*, &c. ubi. sup. A story is told how that Marcuald enticed the legate and his companion into one of his garrisons, and there imprisoned them, with a view to extort from them an unqualified absolution; but that Ugolino stood out bravely against the rudeness of the soldiery and the menaces of their chief; that Marcuald then suddenly changed his tactics, and redoubled his civilities and promises.

lution, but that he had taken him into his confidence, and delegated to him full powers as regent of Sicily. Some time he knew must elapse before the report could be officially contradicted; and during that time it appears the envoys were, under one pretext or another, detained, so as to delay their communications with Rome. They, however, pressed the duke to fulfil his engagements; but the latter, believing that he had gained all the advantage he was likely to derive from protracted negotiation, insolently repudiated all the terms he had previously accepted, blasphemously protesting that "neither for God nor for man would he obey the mandate of the high-priest."[l] After this declaration he dismissed the legates with more of courtesy than they had reason to expect.[m]

The Pope republishes the excommunication against duke Marcuald.

In retaliation for the perfidy and insolence of the rebel chief, Innocent poured out the vials of divine wrath upon his head, and consigned him to perdition with the stereotyped forms of sacerdotal malediction. He absolved all his adherents, and all who owed him money or debt, from their oaths and promises; he threatened all who should supply him with shelter, food, clothing, ships, arms, or any other commodity or convenience in peace or war, with the like doom as that which had befallen their chief.[n] He commanded his troops to desert his banners, and exhorted all men to place no confidence in his oaths, promises, or protestations. The nobles, citizens, and people of Sicily were urged in a solemn proclamation to spare no exertions in shaking off "the cruel yoke of the Germans," and in overthrowing that "arch enemy of God and man, Marcuald, the abandoned confederate of the heathen Saracen, then doing the work of Satan among them;" for which good work, if honestly

[l] "Quod nec pro Deo, nec pro nomine mandatum quod sibi fecerat summus pontifex observaret." *Epp. Inn. III.* lib. ii. ep. 168, p. 447.

[m] *M. Raumer*, following the *Gesta* literally, gives a somewhat different account,—Hohenst. vol. iii. p. 90. We cannot but think the circumstance of the detention of the legates essential to substantiate the motives imputed to Marcuald.

[n] *Gesta*, &c. ubi sup.; *Epp. Inn. III.* lib. ii. ep. 179, p. 454; ep. 221, p. 485.

performed, he granted them the same privileges as those enjoyed by the soldiers of the cross in Palestine.[o]

The duke returns to Sicily.

In the interim that arch enemy had left his interests in Apulia to the care of his confederates, and transferred his efforts to Palermo, where, with the aid of the remains of the imperial party, he hoped to make himself master of the government. But simultaneously with this movement the Pope had despatched the cardinal Gregory to the capital as his viceroy, with such military reinforcements as he could collect at the moment. He assured his friends in the island that "he would never cease from pouring out the vials of divine wrath upon the head of the traitor until he had ground him to dust." He reminded them of all they had suffered under the hands of the tyrant; and predicted that if they suffered him to live, the gentry of the land would be speedily extirpated, and that thenceforth neither man, woman, nor child would be safe against the diabolical lusts and passions of their persecutor and his followers. At the same time he apprised them that military reinforcements on a larger scale would be shortly sent; that he had beaten up Lombardy, Tuscany, Romagna, and almost every province of Italy, for recruits; and that he had already raised a force of between 1500 and 2000 men-at-arms and archers for the holy warfare.[p]

Count Walter de Brennes.

At this critical moment an unexpected ally stepped forward on behalf of the Pope in the person of Walter count of Brennes or Brienne. This gallant Frenchman had married the eldest daughter of Sibylla, the widow of the late king Tancred. That princess and her family, after her liberation from prison through the remonstrances of the Pope with king Philip of Germany, had taken refuge in France, where she and her destitute children had found a friend and protector in Count Walter. It had, as we have seen, been stipulated by the treaty of Palermo, between the party of Tancred

[o] *Epp. Inn. III.* ubi sup.

[p] The letters of Innocent III. upon this period of the war in Apulia and Sicily are very numerous. See lib. i. ep. 557 to ep. 566, pp. 314 to 324.

and the emperor Henry VI., that the son of the former should retain his father's counties of Lecco and Avellino. To these counties Walter now laid claim in right of his wife, as heiress and personal representative of her deceased brother.[q] The apprehension of the Pope, that the claim of Walter might interfere with the rights of his pupil Frederic of Sicily, was set aside by a renunciation on the part of the count of all right or title to the kingdom; and he was admitted to do homage for the two counties to the Pope as suzerain and regent, upon an express engagement, with all the forces he could collect, to assist in clearing the country of the enemies of the Pope and kingdom, "more especially of the traitors Marcuald, Diephold, Otto, and others." Leaving his wife and her family under the protection of his patron the Pope, he hastened back to France to collect the requisite funds and troops to put himself in possession of this last remnant of the inheritance of the Norman princes in Italy.[r]

Defeat of Marcuald in Sicily.

Marcuald meanwhile had reckoned that with his German troops and the aid of the Saracens, who still held the mountain tracts of the interior of the island of Sicily, he should have little difficulty in putting himself in possession of the capital, and expelling the papal party. But while he was pressing the siege, the promised reinforcements from the Pope, and, more important than all, a supply of money, reached the defenders by sea. Marcuald was now anxious for a truce; but Bartholomew, the marshal of the Pope, declined all negotiation; and in July of the year 1200 attacked Marcuald, and defeated him, with the loss of his camp, stores, and equipages of his army. The duke himself with difficulty effected his escape from the field.[s]

[q] See Book xii. c. 8, and note (*a*). The young prince William had, it is supposed, died of the cruel mutilations he had suffered from his jailer.

[r] *Gesta Inn. III.* § 25, p. 8.

[s] *Ibid.* § 26, p. 9; conf. *Raumer*, Hohenst. vol. iii. p. 91. Among the personal baggage of Marcuald, we are told, was found the forged will of Henry VI., set up by Marcuald, entitling him to the regency. The instrument purported to convey the whole kingdom to the Pope in default of heirs; an intention which Henry VI. was the last man in the world to entertain. *Gesta*, &c. § 27, p. 10; *Raumer*, ubi sup. p. 87, note (1).

But the victory of his marshal did not materially improve the prospects of the Pope's government in Sicily. Walter, bishop of Troja, the chancellor of the kingdom, factiously disputed the right of the pontiff to enfeoff the count of Brennes with the above-named counties: Innocent, he affirmed, had no powers, as regent, to dismember the kingdom, or to introduce the hereditary enemy of the dynasty into the heart of his pupil's inheritance. The council of regency, at the instance of the chancellor, set their faces obstinately against all reforms which might have the effect of curtailing their emoluments, and might probably end in their removal from the government. The bishop of Troja had caused himself to be elected to the vacant archbishopric of Palermo: the Pope cancelled the election for irregularity, and made a bitter enemy of the minister. His admonitions to a more economical administration of the revenues, a more provident dealing with the crown lands, and against the prodigal grants and corrupt jobbings of the court, were rejected with impatience by the bishop and his friends. Meanwhile want of funds and the effects of the climate upon the health of the troops compelled the Pope to withdraw his army from the country; and Marcuald once more held up his head.[t]

Opposition of the chancellor Walter.

The like resentments brought about a temporary reconciliation between Marcuald and the chancellor. The duke was introduced to the court and the young king, and the government was divided between them; Marcuald disposing of the crown estates and revenues of Apulia, the bishop retaining the government of Sicily. But the anathema thundered against him by the pontiff for this abhorrent compact with the excommunicated sinner now told upon him, and came in aid of the efforts of his treacherous colleague to shoulder him out of the government. In this dilemma the bishop betook himself to the protection of Diephold, the imperial governor of Apulia, who still retained the

Marcuald master of Sicily.

[t] *Epp. Inn. III.* lib. ii. ep. 187, p. 458; *Gesta*, &c. § 29, p. 11, and § 31, p. 12.

command of the greater part, if not the whole, of the province. Though deprived of all ecclesiastical rank by the sentence of the Pope, he still retained powerful friends in the curia; and some efforts were made to procure his pardon and restoration; but while his connexion with the outlaw Diephold continued, every attempt to propitiate the pontiff was repelled with indignation.[u] But at this point of time the Count de Brennes appeared upon the stage with a powerful body of troops, enlisted in France, to put himself in possession of his wife's inheritance. At this juncture Walter of Troja, to whom no kind of treason came amiss, resolved to desert his associate, upon whom he foresaw the weight of the count's arms would fall. A fresh application was made by his friends at Rome for the remission of his sentence. Innocent was sensible of the importance of detaching the still formidable ex-chancellor from the excommunicated governor of Apulia, and was not disinclined to listen to his overtures; yet only upon the condition of his supporting the claims of the Count de Brennes with all his interests and connexions in the province. But when informed of this alternative, the bishop's hatred of the family of Tancred awoke in all its intensity. "Nay," he exclaimed, "not if the apostle Peter in person were to demand it, and I were to be cast into hell for disobeying, would I be at peace with any of that detested race."[v]

Walter of Troja and duke Diephold.

Walter de Brennes arrived in Italy in the year 1201,[w] and in the course of that and the following year inflicted two severe defeats upon duke Diephold and his ally the bishop of Troja; in the second of which their troops

Defeat of Diephold and the ex-chancellor.

[u] *Gesta*, &c. § 33, p. 12.

[v] *Ibid.* § 24, p. 14; *Raumer*, vol. iii. p. 95.

[w] There is an important discrepancy between the Chronicle of *Richard of St. Germano* (ap. *Murat.* tom. vii. pp. 980, 981) and the *Chron. Fossæ Novæ* (ibid. p. 884) as to the date of the Count de Brennes' arrival in Italy. According to the latter authority, he arrived from France in the month of June 1199 and fought his first battle in Apulia in the month of October following. Richard of St. Germano dates it nearly, if not quite, two years later. The course of events proves satisfactorily that the latter is the correct date.

were dispersed, and several of their bravest officers, among whom were Siegfried, the brother of Diephold, the counts of Laviano and Celano, were taken prisoners. The duke and the ex-chancellor escaped from the field, and took refuge in the castles and fortified places they still held, from whence they continued, in comparative safety, to plunder and lay waste the surrounding country at their pleasure.[x] But in Sicily matters had taken a different turn. Marcuald was now master of the capital and of the person of the young king; and with the aid of the Pisan fleet he speedily reduced the whole of the island, except the important city of Messina, to obedience.[y] The game for which he had so long and so obstinately contended seemed won, when, in the month of September 1202, he was suddenly carried off, in consequence of an unsuccessful operation for the stone.[z]

Death of Marcuald.

Pope Innocent announced the death of his formidable adversary to the world as a manifest interference of Providence in his favour.[a] But the advantage to his government and the interests of his pupil were rather apparent than real. A new adventurer, William Capperone, seized the government. Between him and the ex-chancellor a bargain for the division of the spoil was speedily struck. Under the impression that the latter might, in the actual state of his affairs in Sicily, be of use to him at least in that country, Innocent had granted him absolution for his many offences upon a simple promise of amendment and future obedience. But he soon found that neither the bishop nor his associate were inclined to admit any interference that might abridge their power, or dry up the sources of their illicit gains. Though he had absolved him from the curse of the Church, the Pope had refused to restore bishop Walter to the see and other benefices he had held prior to his excommunication. At this decision

The ex-chancellor and Capperone in Sicily.

[x] *Rich. de St. Germano*, Chron. ubi sup. p. 981; *Gesta*, &c. § 34, p. 14; *Epp. Inn. III.* lib. v. ep. 37, p. 630.

[y] *Epp. Inn. III.* lib. v. ep. 4, p. 610.

[z] *Ibid.* lib. v. ep. 89, p. 666.

[a] His language reminds us of that of Gregory the Great when informed of the tragical death of the emperor Maurice. See Book iii. c. 7, p. 235 of this work.

Walter took violent offence; and in revenge opposed an inert and practical resistance to every measure proposed by Innocent for the reform of the monstrous malversations and robberies committed by the governors and their officers.[b] In Apulia and the Terra di Lavoro the pontiff had met with serious difficulties and reverses. It now appeared that the anti-papal party in many cities of the south was still strong. The indefatigable Diephold, though vanquished in the field, was unassailable in his mountain haunts. A serious illness which befell the Pope in 1204, followed by a report of his death, raised the spirits of his opponents, and gave occasion to a simultaneous rising of the cities of Brundusium, Matera, Otranto, Bari, and others against count Walter. His garrisons and those of the Pope were expelled, and Diephold was once more the master of the situation. To add to the mortifications of the pontiff, the gallant count was surprised and mortally wounded by his adversary on the 11th of June 1205. After this mishap Innocent abandoned all further attempts to drive the Germans out of Apulia. His funds for carrying on the war were exhausted; every means of supply was cut off; and he was compelled to disband his army. No alternative remained but to make terms with duke Diephold. The rights of a posthumous son of the count de Brennes were sacrificed without scruple. Diephold himself was forgiven, absolved, and enfeoffed of all the lands previously warranted to count Walter northward of the Faro of Messina, upon condition of homage and fealty to the Pope as lord-paramount and regent of the kingdom, and a solemn abjuration of allegiance or connexion with "Philip of Swabia, the pretender to the imperial crown and kingdom of Germany."[c]

Insurrection in Apulia.

Death of the Count de Brennes, and pacification.

During the years which followed to the pacification of Apulia, the state of Sicily continued unimproved. An

[b] *Gesta*, &c. § 36, p. 15. The depredations committed in Sicily by these public robbers are described in the *Gesta*, § 33, p. 12; and in *Epp. Inn. III.* lib. v. ep. 74, p. 662. Conf. *Raumer*, iii. p. 96.

[c] *Gesta*, &c. § 38, pp. 15, 16.

State of Sicily.

expedition under Diephold, in the service of the Pope, with a view to the restoration of his government in the island, had turned out disastrously unsuccessful. Capperone and the chancellor Walter held their own against every effort of Innocent to dislodge or to reduce them to obedience. In the year 1208 a numerous diet or assembly of the nobles and citizens of the Terra di Lavoro and Apulia, convoked by the Pope at St. Germano, for the deliverance of Sicily, came to nothing.[d] Thus the affairs of Sicily were allowed to run on from bad to worse. The poor young king had, for years past, been bandied about from the hands of one party to those of its opponents, without regard to his interests or even his personal comfort. He had, indeed, been doomed to serve a long apprenticeship of desertion and affliction. It is not improbable that he owed his safety from personal violence to the habit of the parties from time to time in the ascendant to regard him rather as a sort of hostage against their rivals than as the legal warrantor of their acts. Though acting in his name, they managed all public affairs without reference to his interests or his wishes. In the years 1209 and 1210 the state of Sicily is described as desperate—private feuds and plunderings by land; piracy at sea; irruptions of the Saracens, who still occupied the central highlands; above all, the shameless robberies and peculations of the officers of the government, had extinguished every vestige of national prosperity; and that fertile and beautiful island showed more like a den of thieves than a regulated community.

The ministers and the King.

King Frederic of Sicily.

The time, however, had arrived when the young king, who had now attained the age of eighteen years, must do something to withdraw himself from the thraldom in which he had spent his youth, or vanish ignominiously from the stage. The chapter of

[d] *Gesta*, &c. § 40, p. 17. Possibly the failure may be traced to the overbearing demeanour of the Pope at this meeting. The Terra di Lavoro had been recently enfeoffed to Richard count of Fondi, a cousin of the Pope's; and he had taken upon himself the entire direction of all the civil and military preparations for the proposed campaign; a proceeding that could not fail to be distasteful to the haughty descendants of the Norman warriors or their Germanic associates.

accidents and the honest exertions of Innocent on his behalf came to his assistance. A misunderstanding between the chancellor and count Capperone gave him some importance in the government. The latter held the palace and citadel of Palermo against the King and the chancellor, who now found that his influence could be most effectually upheld by sharing the powers of government with the young King. But this state of semi-dependence was but a poor consolation to a high-spirited youth, whose mind had rather gained than lost elasticity from the state of compression to which it had been hitherto condemned. It was not his own position that he deplored so much as the miserable state to which his kingdom had been reduced by misgovernment, and his own impotence to apply the remedy. But now he had gained space—he had assumed a position which enabled him to make his voice heard in the world. He alone saw the evils which afflicted his country in all their magnitude; yet the prospect before him was disconsolate. A cry of despair burst from him—the years of his youth had brought with them none of the enjoyments of that season of man's life; distress and misery, corruption and vice, in their worst forms, had surrounded him from his cradle, and furnished the materials of his earliest reflections. There are a few natures which even the worst examples cannot contaminate. God made them, and sent them into the world as enigmas rather than as examples. In Frederic of Sicily survived the intelligence and vigour of his grandfather, the hardihood and courage of his father; and to these natural endowments was added the premature experience which an education in the severe school of adversity instils into the more susceptible and observant spirits. He called to mind that, though at the time an infant scarcely capable of remembering the solemnity, he was the crowned and anointed king of the Romans; this he regarded as a solemn call to resume his hereditary station, and to show himself to the world as the worthy descendant of the greatest of his country's princes. In the year 1209 he had, by the wise procurement of the Pope,

His character.

His marriage.

married Constantia, the young widow of Emerich, king of Hungary, a lady in all respects qualified to be the depositary of his secret cares and anxieties, his adviser and comforter in all the vicissitudes of life.[e]

A prince thus mentally accoutred was born to fill a large space in the eyes of the world. But before he re-appears on the scene of our narrative, we must pass in review certain strictly domestic events which materially affected the position and policy of Innocent III. both at home and abroad.

[e] We entertain doubts about the genuineness of the memorial which Frederic is said to have addressed to all the crowned heads of Europe, complaining of the state of dependence and neglect in which he was held by his jailers, and imploring them, if not for their own, no longer to permit a brother sovereign to be subject to the indignities he was enduring—to deliver him, "a king, the son and heir of an empire, from degrading bondage under foreign and domestic tyrants." It is extremely unlikely that a document containing so derogatory an exposure of their misdeeds should have escaped the vigilance of his guardians. See the document ap. *Marten*, Coll. Ampliss. tom. i. p. 1159. *Raumer* (vol. iii. p. 99) adopts it as genuine. We cannot agree with him.

CHAPTER IV.

DOMESTIC DISTURBANCES—FRANCE—SPAIN—BULGARIA.

The cities of Italy—City of Rome and cities of the Patrimony—Municipality or republic of Rome—The supremacy of the empire—Innocent declares himself lord-paramount, &c.—Effect of the papal declaration of supremacy—The government in the hands of the Pope—Discontents—Foreign feuds; Viterbo and Vitorchiano—The feud taken up and settled by the Pope—Domestic feuds: the Orsini and the Della Scorta—Malady of the Pope, and restoration of the Senate—Disorders in Rome—Civil war in Rome: the Petrileoni and the Capocci—defeated—Compromise: a new Senate—The Senate incompetent: renewed disorder—result—Popularity of the Pope; his charities—and foundations—Position of pope Innocent abroad—his church-government—his discipline: translation of bishops—Pontifical police—The Pope makes himself a party to the affairs, &c. of princes—he denounces Philip Augustus of France—he promotes a crusade—Preparations for the crusade in France—and measures for the restoration of the Queen, &c.—Proceedings against the king of France in his divorce-cause—Excommunication and interdict upon the kingdom, &c.—Hesitation of the bishops—False position of Philip III. of France—his submission: the conditions—The interdict dissolved—The Pope punishes the French bishops, &c.—Jurisdiction of Rome in matrimonial causes—The king of Leon excommunicated for unlawful wedlock—Political interference of the Pope in Spain—Claim to Portugal as a tributary kingdom—The tribute; how to be regarded—Character of the papal pretension tried by concomitant facts—The Pope and the emperor Alexius Angelus—Dispute about preëminence, &c.—The Emperor claims the restitution of Cyprus—King Calo-Johannes of Bulgaria submits to the Pope—Calo-Johannes crowned by the Pope—Pontifical theory tried by the concomitant facts—The Pope in the quarrel of Andrew of Hungary and the Bulgarians—Resulting relations of both parties to the Pope.

The cities of Italy.

In the course of the centuries which had elapsed since the downfall of the Western empire, all the cities of Italy—it might be said of Europe—had adopted some form of municipal self-government. In general an elective chief-magistrate presided over a senate or council, chosen by the citizens, which authorities exercised together the legislative, executive, and judicial powers of the commonwealth. All these cities theoretically—some practically—acknowledged the *immediate* supremacy of the empire. *Mediately* they might profess to hold of some lay magnate, pope, or bishop; but

in both cases they held their city with its belongings, their rights, and their franchises upon the ordinary conditions of the feudal compact. In many cases advantage had been taken of the loose nature of the feudal bond to shake off every burdensome obligation of vassalage. The more powerful communities had obtained either from the favour, or extorted from the necessities of the superior, the absolute control over their own domestic affairs, together with the *regalia*, or such rights, customs, and duties as usually attached to direct tenure. They raised and maintained their own militia; they enclosed and fortified their towns; they built castles, and established garrisons for the protection of the appurtenant lands and territories; they formed leagues for their mutual advantage or protection; they built, equipped, and manned fleets for the purposes of war or commerce indifferently; and claimed a right to wage war with their neighbours—or it might be with the superior himself—for the protection of their liberties, or for the gratification of private or traditional animosities. Thus there remained to the lord-paramount in some cases none, in all a fragment only, of those administrative powers and revenues which were known by the name of the *regalia*. Yet all these municipalities held themselves bound by the common duties of allegiance, such as, not to give aid to the enemies of the lord, and upon lawful summons to contribute their contingents of troops to his wars. Throughout Italy, however, even these restricted duties could rarely be enforced, unless the superior could either make it worth the while of the cities to serve him, or was strong enough to compel obedience to his lawful commands.

Cities of Rome and the Patrimony.

The relation of Rome and of the cities within the Patrimony of St. Peter, as of all the districts belonging to or reunited with the Patrimony, to the Holy See was of the same character. When we read of cities and towns, duchies and counties, as reunited to the church, we understand a simple transfer of the "dominium supremum" from a prior superior to the Pope as sovereign, but without prejudice to the special liberties and franchises of the cities and towns

included in the recovered districts. It was generally admitted that the sovereign might interfere to direct the policy, to command the forces, of the subject commonwealth; to prevent disturbances of the public peace, or to counterwork disloyalty and treason. But the means to be employed for these purposes were defined by no law, and were frequently applied by the lords in a way to set aside or abrogate the most cherished privileges of the municipalities. Nothing in fact was gained by the superior unless he could obtain a voice in the election of the magistracy, or in the nomination of the governing council or senate. Such an influence, however inconsistent with the liberties of the subject, as he understood them, was indispensable to the maintenance even of these restricted rights in the sovereign, as well as of any kind of united state-action. The theory of government stood in practical contradiction to municipal right. Strict legality was hardly to be presumed on either side; and if we enter into the feelings and prejudices of the times, we are almost as much at a loss to determine a standard of right and wrong as the people of that age themselves.

Municipality or republic of Rome.

As far as we can collect, the privileges of the city and republic of Rome resembled those of the greater civic commonwealths of Italy. Prior to the pontificate of Cœlestine III., a chief magistrate, under the title of senator, presided over an elective council chosen by the suffrages of nobility and people. A prefect or chief justiciary, with certain subordinate judges, administered civil and criminal justice. But in the contemplation of law all these officers derived their authority from the emperor; and the municipality, as a body, acknowledged feudal allegiance to him or his representative, with reservation, however, of their free customs and chartered rights against all the world. This form of government was recognised by a special charter of pope Cœlestine III.[a] But a single year's experience sufficed to disgust the citizens with senatorial government. The incurable turbulence of the urban nobility,

[a] *Sismondi*, Rep. Ital. du Moyen Age, tom. iii. p. 308. The writer quotes the charter from *Muratori*, Dissert. xlv. in his Antiq. Italiæ Med. Ævi, p. 35.

in alliance with an intractable populace, soon dissipated every hope of internal peace. The new constitution was accordingly abolished; and a single magistrate was substituted, who centred in himself all the powers of the late senate, and was thus enabled to repress with a strong hand the intolerable disorders which afflicted the commonwealth. The new officer was known by the name of "the senator;" and he, like his predecessors, professed to derive his powers from the emperor as suzerain of the republic.

The supremacy of the empire.

But in the heart of the people this kind of loyalty had dwindled into a fiction of law. Such, however, as it was, it was profoundly offensive to the papacy, inasmuch as that, as long as it existed, though only in the shape of a fiction of law, it excluded their absolute claim to the sovereignty of the city. But in the presence of the formidable Henry VI. neither citizens nor Pope thought of renouncing their connexion with the empire, loose as it was. In this state of things the pontiff held no intelligible position in the state; he was neither sovereign nor vassal; his rights as chief of a dependent government were exposed to perpetual contradiction or reversal; his measures, whether for the benefit of church or people, were exposed to never-ending interruptions and disappointments. Senator, prefect, nobility, people, were supplied with plausible, even legal, pretexts for changing sides—for embracing this or that party, and transferring their obedience and services from one to the other, according as each in its turn could bribe highest, make the fairest promises, or confer those tangible advantages most to the taste of a community absorbed in sordid and selfish objects.[b] Innocent resolved to emancipate himself at once from this species of thraldom, and to cast off the imperial supremacy in theory as in practice. He therefore declared himself *lord-paramount* of all the cities, provinces, and territories he could lay claim to under the widest

Innocent declares himself lord-paramount.

[b] Innocent III. seems to have formed his idea of the moral character of man in the mass from that of the Romans of his own day.

interpretation of all the several grants, donations, and bequests, genuine or spurious, that could be raked together in favour of the Holy See; he absolved the subjects from all dependence upon the foreign sovereign, and took upon himself the government of regions now for the first time reduced into possession, and fairly incorporated with the Patrimony of St. Peter.[c]

Effect of the papal declaration of supremacy.

By this bold step the imperial faction in Rome was suppressed, and the turbulent nobili deprived of the means of disturbance they had hitherto derived from their double allegiance. Though the domestic troubles Innocent had to encounter were by no means at an end, they assumed a far less dangerous aspect. The quarrels of the factions still actively at work in the city now turned wholly upon intestine and domestic causes, deprived of that perilous character which the hope of external support engenders and keeps alive. The Ghibelline party had, for all practical purposes, disappeared under the drastic treatment of the great state physician. To the Pope it only remained to convince the citizens that he was their best friend, and that to him alone they must look for relief from the disastrous consequences of those outbreaks of popular frenzy to which they were constitutionally subject.

The government in the hands of the Pope.

But this was the most difficult part of his task. The assumption of the direct sovereignty by the Pope was far more dangerous to their darling privileges than the distant supervision of the empire. The senator, the prefect, and the judges were now indebted to him alone for their powers and emoluments; the fortified places in the enlarged Patrimony of the Church were in his hands, and all the officers of the republic were but the ministers of the Pope. In that character, as much with a view to their own profit as to the service of their new master, they had zealously coöperated with him in the task of acquisition. They had helped to lay hands upon every inch of territory they could seize in the name of the

[c] Conf. c. i. p. 326 of this Book.

Holy See as corporate property of the city.[d] The nobili found it far more difficult to possess themselves of the influential and lucrative posts under the government than heretofore. These emoluments were now to be obtained only by unconditional submission to the will of the pontiff. If such a scheme of government were permitted to take root, the magnates of the city and its territory found that they must sink into insignificance, or submit to become the mere officers of the Pope. The discontented faction drew to a head under the displaced senator John Petrileone and John Capoccio, the latter a favourite with the commonalty for his reputed zeal in defence of popular rights. "See," said the latter to the assembled townsfolk, "how neatly the Pope has contrived to pluck you for his own eating; how he has filched your property in the Maritima and Sabina; how that, without troubling himself to obtain your consent, he has made one of his own minions senator—robbed you of your freedom of election, and introduced his own favourites into every department of the government."[e]

Discontent.

The faction, however, found that for the present the popularity of the Pope was not to be so easily shaken, and they resorted to the expedient of a foreign war to carry the people with them, and to drive the Pope into employing and paying them. A quarrel between the citizens of Viterbo and the townsfolk of the neighbouring borough of Vitorchiano offered the desired opportunity. Rome and Viterbo had been for a long time past upon bad terms, and at the suggestion of the demagogues, the Vitorchians demanded the aid of the Romans to deliver them from a state of siege which, without immediate relief, must end in their destruction. Upon this summons the people rushed to arms without consulting the Pope, and marched to the assistance of their allies in full confidence of an easy victory. But in the mean time the Viterbians had obtained strong reinforcements from their confederates of

Foreign feuds; Viterbo and Vitorchiano.

[d] Comprising certain districts of the Maritima and in Sabina claimed by the Romans as their corporate property.

[e] *Gesta*, &c. § 133, p. 83.

Gesta, &c. § 141, p. 87.

the Tuscan league, and on the arrival of the Romans at the scene of action they found themselves outnumbered, and in danger of being overwhelmed by their enemies. In this dilemma they threw themselves at the feet of the Pope, and besought him to save them from the consequences of their own rashness. The latter took up their cause with alacrity. As chief of the league, he admonished the Tuscans to withdraw their forces, and to leave the settlement of the quarrel between the Vitorchians and their enemies to him. The Tuscans obeyed, and marched home. Vitorchiano was relieved, and the whole merit of success was ascribed to the pontiff. The Roman militia returned from the expedition singing the praises of the Pope for their timely deliverance out of the danger into which the selfish intrigues of the demagogues had plunged them. The latter had fallen into the pit they had dug for their opponent; and Innocent, instead of being dragged into a war against his will, or of opposing it at the risk of his popularity, had dropped quietly into the position of arbiter of the dispute, and obtained the advantage, such as it was, of a momentary outburst of popular gratitude.[f]

The feud taken up and settled by the Pope.

We are not told how long the impression lasted. It is, however, clear that the faction of the Petrileoni and Capocci never ceased to give him trouble. The bitter animosity of the Viterbians against their weaker neighbours again dragged him into a feud in which he was successful.

Domestic feuds; the Orsini and the Della Scorta, &c.

But not long afterwards two new factions started up, arising out of the weak nepotism of the late pope Cœlestine III., from whom his relatives of the family of the Orsini had obtained large grants of land. In the year 1204 Innocent was detained at a distance from Rome by an illness which threatened his life; and the Orsini, fearing, or pretending to fear, an intention to expel them from these possessions in favour of his own kinsmen, the Della Scorta and the Odelini, broke out into open insur-

[f] *Gesta*, &c. § 133, p. 83.

rection, and drove the latter out of the city. After his recovery, however, the Pope, with the assistance of the senator and militia of the city, soon set matters right. He took possession of the mansions of both parties, and assigned to them quarters in parts of the town as far distant as possible from each other, until their disputes should be settled in due course of law.[g]

Malady of the Pope, and restoration of the senate.

But during the slow recovery of the Pope from his late malady, other mischiefs to his government had arisen. The passions of the citizens had been excited to fury by the eagerness of the Pope's officers to possess themselves of lands which, rightly or wrongly, the commonalty claimed as corporate property. In the course of these disturbances the palace of Count Richard di Segni, the Pope's brother,[h] was burnt to the ground, with all the property it contained. The people, at the instigation of the demagogues, were persuaded to insist upon the restoration of the senate abolished by the Pope. The elections accordingly took place, and by the management of the faction the Pope's friends were excluded, and all the offices of the state reserved to the leaders and their adherents. Mutual jealousies and suspicions, however, speedily broke up every appearance of concord among the new senators. A considerable party seceded from the rest, and now began a series of crimes and disorders of the worst description. Murder, robbery, theft, stalked abroad in open day. The peaceable citizens cast about for protection, but found none to help them. Aghast at the fatal consequences of their own fickleness, they sent an imploring message to the Pope to return and put an end to the intolerable evils that were consuming them, their families, and their substance. The health of Innocent was by this time reëstablished; and as soon as he had convinced himself of the sincerity of the petitioners, he made his public entry into the city amid the acclamations of the people. The Pope, however, imprudently gratified them by permitting them

Disorders in Rome.

[g] *Gesta*, &c. §§ 134 to 136, pp. 84, 85.

[h] Or cousin: it is not very clear which.

to choose a senator in their own way. The choice fell upon a person unfit to cope with, or put an end to, the practices of the disaffected nobili and their banditti.

Civil war in Rome; the Petrileoni and the Capocci;

The party of the Petrileoni and Capocci continued to clamour for the restoration of the senate, and the recovery of the lands claimed against the Pope as corporate property. They entrenched themselves in the heart of the city, and bade defiance to the assaults of the Pope's friends now in alliance with the seceders from the late senate. The obstinate defence of Capoccio in his tower and the outworks he had thrown up compelled his opponents to resort to the operations of a regular siege;[1] but after a large expenditure of life and money the besiegers were beaten off. Capoccio, emboldened by successes, issued from his entrenchments and attacked his opponents in their own quarters. Here, however, he met with a disastrous defeat. His houses, towers, and entrenchments fell into the hands of his opponents, his adherents fell away from him, and the people were by this time convinced that it was labour thrown away to stand out against the vigilant and wily pontiff.

defeated.

Compromise; a new senate.

But the secession party, though humbled, was not subdued. The citizens were not yet disposed to leave a free field to the Pope to dispose of the commonwealth and its privileges at his pleasure. Innocent did not often over-estimate his own power. He consented to the election of a senate under the superintendence of his own friends, and upon condition that the members elected should take an oath of allegiance to himself as sovereign of the republic. In spite of the vehement opposition of Capoccio and his party, who rightly enough described the arrangement as a virtual surrender of the liberties of the city, a senate, to the number of fifty-six, was elected by the people; the oath of allegiance and obedience to the Holy See was taken; and the populace, in anticipation of relief from the present evils of anarchy, joyfully assisted in compel-

[1] The siege is described with great minuteness by the author of the *Gesta*, § 140, p. 86.

ling the surrender of all the forts and fortified posts erected by the insurgents into the hands of the Pope.[j]

The senate incompetent; renewed disorder;

The new senate, however, turned out no better than their predecessors. Instead of applying themselves honestly to the task of healing the wounds inflicted by faction, they in their turn plunged headlong into the sordid pursuit of personal and party objects, to the total obstruction of all useful measures of government. The murders and robberies which had hitherto desolated the city and its vicinity continued with little abatement; and the citizens, despairing of any remedy at the hands of their representatives, humbly threw themselves at the feet of the pontiff, and besought him to take the government again into his own hands. It is pretty evident that Innocent himself anticipated this movement on the part of his harassed subjects. He had calmly waited the result of the experiment, and now reaped the reward of his patience and forbearance. The senate was accordingly dismissed, and a single magistrate, with title of senator, nominated in its place; and before the expiration of a twelvemonth tranquillity was restored in Rome and the Patrimony.[k]

result.

Popularity of the Pope; his charities,

It is remarkable that throughout all the disorders which agitated the first eleven years of his pontificate the personal popularity of the Pope had never wholly deserted him. By a happy mixture of forbearance and vigour—but above all by that mysterious ascendency which the higher orders of mind acquire over the masses—he had taught the people to look up to him for relief from the evils which their own wilfulness from time to time brought upon them. In all times of public distress he had taken care to hold out a relieving hand, and to speak a consoling word. The poor regarded him as their patron and protector, and the peaceable as their sure refuge against their oppressors to the extent of his limited powers. About the close of the period we have been reviewing, a

[j] *Gesta*, &c. § 141, p. 87. [k] *Ibid.* § 142, p. 87.

distressing dearth visited the city and Patrimony. Innocent, from his own stores and with his own hand, administered relief to the starving poor. By a liberal distribution of the funds of the Church above 8000 persons were rescued from the jaws of famine; indigent families of all classes were assisted, the naked were clothed, marriage-portions were found for poor maidens; foundlings and deserted children were provided for, religious houses visited and relieved from pressing debts. The wants of no class of citizens escaped his notice; his almoners went about diligently inquiring into the state of the poor of all orders, from the nobile to the meanest citizen, imparting to each according to his condition in life. He distributed provisions from his own table to the attendant paupers, and on every Saturday in the week he washed and kissed the feet of twelve poor men; and, after feasting them liberally, dismissed them with a present of twelve pence each.[1]

and foundations.

Though no preceding pontiff was more solicitous to support the dignity and pomp of public worship, yet less is reported to have been done by him in that department of spiritual administration than by any of his predecessors, considering the length of his reign and the increased resources at his disposal. But the difficulty of collecting his revenues, arising out of domestic disturbance, and the expensive political objects by which they were for the most part absorbed, called for great economy of outlay; still he is said to have devoted considerable sums to the ornamentation of his churches. He built at his own expense the church of St. Maria in Saxa, and there solemnly deposited the "sudarium Salvatoris,"[m] and instituted a great annual festival for its worship, on which occasions sermons were to be preached inculcating works of charity, with distribution of indulgences to the devout attendants, and ample doles of bread, meat, and money to the poor. By these and other means pope Innocent was never out of

[1] *Gesta*, &c. § 143, p. 88.

[m] The towel which St. Veronica is said to have applied to the face of the Saviour in the "Via dolorosa."

sight of his subjects. The eyes of the mass of the people were fixed upon him, and thus in all their difficulties and distresses they were accustomed to look to him for relief, and practically to acknowledge their inability to govern themselves.

Position of Pope Innocent abroad.

The domestic troubles just adverted to complicated the policy of the Holy See during the first eleven years of the pontificate of Innocent III.; but, distressing and embarrassing as they were, they do not appear to have for an instant suspended his efforts for the acquisition of new territories in Italy, or for the prosecution of his Sicilian wars. The same observation applies to his operations for the maintenance and expansion of the *spiritual jurisdiction* of the Holy See. His position in this respect was more favourable than that of any of his predecessors. The civil war in Germany protected him against the imperial interference. No pontiff ever knew better how to choose his ministers and agents. By the aid of his powerful family connexions at home, and with a character for justice and liberality enjoyed by few of his predecessors, he was safe against those irksome intermeddlings from abroad which had so often disappointed the most cherished schemes of pontifical policy. Rome in his hands formed a sufficient, though no very steady, fulcrum for external operations in furtherance of the great purpose of his life. The independent command of the capital of Christendom placed him on an eminence from which he could survey the kingdoms of the earth; whence he could mark where they were most vulnerable—where the spiritual arrow might best be pointed, and strike where the temporal armour could be most easily penetrated. The clerical and political partisans in Rome were equally athirst for spiritual and temporal emoluments, and were as easily bribable by the one as the other. Innocent indeed disclaimed all secular motives in the distribution of church patronage; but, like other princes, he was not always at liberty to choose the men he wanted; and the hope of sharing in

the good things he had to give away was thus kept alive, to the advantage of his government.[n]

His church-government.

The earliest measures of his spiritual government turned upon the maintenance and extension of the pontifical jurisdiction in "spiritual causes." The definition of the term had, as we have seen, undergone a palpable enlargement since the age of Gregory VII. The lists of the so-called "causæ majores" had swelled to an over-weening number and complication. They had now embraced not only all causes of dispute or misdemeanour arising among bishops, clergy, and conventual bodies, but all questions in which the interests of church or churchman were ever so remotely involved. Every order of clergy was encouraged to carry their plaints in the first instance to Rome. Though many, if not most, of these suits were of a purely secular character, Innocent III. indignantly repudiated the right of the secular judicature to impede, or even to interfere with, the course of ecclesiastical justice. Appeals to Rome multiplied to an amount that would have alarmed any less industrious judge. Innocent had indeed reduced his scale of costs to accommodate the poorer class of suitors; but the number of causes which poured in—owing, no doubt, in part to the reduction of expense—made up for the diminution in the gratuities of the court and its officers. Under his personal superintendence business was despatched with a speed and punctuality hitherto unknown. The more important causes were reserved for his personal examination and decision; minor matters were, as theretofore, committed to the judges of the curia, subject only to his revision.[o]

[n] His correspondence, in passages too numerous for quotation, shows that he was not always proof against the temptation to "make friends with the Mammon of unrighteousness," for the furtherance of his political or his religious views. This delicate task was, however, performed with sufficient tact to give it the air of a concession to the necessities of the Church, rather than of personal timidity or favouritism.

[o] Thus he decided the serious disputes which had arisen between the remote churches of Galicia and Portugal; between the bishops of Tours and Dol in France; between the archbishop of Canterbury and his chapter relative to the diversion of the lands of the Church for the endowment of a new church at Lambeth; between the archbishop of Milan and the convent of Scozula, respecting certain castellaneries, jurisdictions, and rear-vassals in dispute. *Gesta*, &c. § 42, p. 18.

By these means not only every thread of ecclesiastical jurisdiction was gathered into his hands, but, more important than all, the hopes and affections of churchmen of every rank were in a great degree withdrawn from the national judicature, and centred in the Holy See.

His discipline; translation of bishops.

Innocent was not less vigilant in the maintenance and enlargement of the jurisdiction of his church in matters of internal, or, as he was wont to call it, *canonical* discipline. Thus he found that the translation of bishops from one see to another—an operation in many cases practically falling within the prerogative of the temporal crown—was subversive of the spirit, and even contrary to the letter, of the ancient canons; he therefore resolutely set his face against the practice. Canons might be quoted *for*, but not *against*, Rome. Translations were indeed discountenanced by the more ancient discipline of the Church, but Innocent understood the matter differently. Though no power, temporal or spiritual, was competent to remove a bishop, yet he decreed that "*the right of translating bishops belonged exclusively to the Holy See.*" For this cause he suspended the bishop of Avranches, who had exchanged his see for that of Angers; he censured the Latin patriarch of Antioch for translating the bishop of Apamæa to the see of Tripolis without the license of the Holy See; in Germany the bishop of Hildesheim had procured his removal to the richer see of Würzburg, and was excommunicated and deposed for contumacious resistance to the command of the Pope to return to his former charge; and in like form he reversed the election of the bishop of Brixen to the archbishopric of Salzburg.[p]

Pontifical police.

In the disturbed state of Europe during a great part of the Middle Age the intercourse between the several countries was impeded by the insecurity of the seas, high-roads, and rivers, by nobles and gentry occupying convenient stations for levying black-

[p] *Gesta*, &c. §§ 43 to 45, pp. 18, 19. About the same time he removed the bishop of Görz for some irregularity in his election, but pardoned him upon his "humble submission to the pontifical scourge, in order that thus he might learn that the *ark of the covenant* contained both the rod and the manna."

mail, or for naked robbery and extortion. But the maintenance of her communications was of supreme importance to the Church; and in the absence of even the semblance of a public police she endeavoured to supply its place by carrying her spiritual arms to the aid of such temporal motives as could be brought to bear upon these disturbers of the public peace. It happened that the citizens of Piacenza had given shelter to one of their citizen-nobles who had stopped and robbed a cardinal travelling in the service of the Holy See. When called upon to restore the stolen property and to indemnify the plundered prelate, they hesitated, or refused the satisfaction demanded, and were duly excommunicated and interdicted. But when the Pope took steps to cause the goods and effects of their merchants to be impounded by the Sicilian government, as well as by the kings of England and France, both they and the citizens of Parma—who, it seems, were implicated in the offence—were brought to their senses; the required satisfaction and indemnity were given, and the pontiff withdrew the anathema, and permitted the resumption of the public services of the Church.[q]

The Pope makes himself a party to the affairs, &c. of princes.

We may in this place conveniently advert to some circumstances of importance connected with the *external* policy of Innocent III. during the earlier years of his pontificate. It is worthy of remark that he neglected no opportunity to make himself a party to the political compacts and quarrels of princes. His operations were favoured by a general impression that the participation of the church imparted an additional security to the treaties against the doubtful faith of kings and statesmen. In the year 1196 a political compact had been entered into between the earl Baldwin of Flanders and the slippery Philip Augustus of France. The earl now requested pope Innocent to take the treaty under the protection of the Church. The Pope promptly granted the request, with

[q] See *Epp. Inn. III.* ep. 121, 122, 123, pp. 69-71; and conf. epp. 232, 393, and 463.

the pregnant remark, that, "in virtue of the apostolic office committed to him, he was bound to provide for the maintenance of peace and goodwill among all nations and individuals;"[r] a principle which, as occasion might serve, made him either party or arbitrator in like cases. As a party to the existing compacts for the prosecution of the crusade, he censured with his ordinary vehemence of language the perverse policy of Philip Augustus, especially his faithless invasion of the territories of Richard of England while absent in the service of the cross. Speaking as the official interpreter of the divine dispensations, the Pope pronounced the late reverses of his arms to be a visible punishment for these delinquencies, as well as for his resistance to the decree of the Holy See in the matter of his divorce. The three points which at this moment Innocent had most at heart were, the separation of the King from his second wife Mary of Meran, his reconciliation with king Richard of England, and—by their aid—the effectual prosecution of a new crusade he had projected against the Saracens of the Holy Land.

He denounces Philip Augustus of France.

The first step towards the success of his plan was to dispel the stupor into which the late reverses in Palestine had plunged the spirits of Western Christendom. He decreed a tax of one-fortieth of their income upon all the clergy; and charged himself and the princes of the Church to the extent of one-tenth of all they possessed. He fitted out and despatched a ship laden with material of war and provisions for the suffering Christians of the East.[s] Two cardinals preached the cross at Venice and in Lombardy with distinguished success. The doge Henry Dandolo, with many nobles and much people, assumed the cross. The markgrave of Monferrat, the bishop of Cremona, several great abbots, many of the nobility, with innumerable common folk, devoted themselves to the sacred

He promotes a crusade.

[r] "Ex injuncto nobis apostolatus officio *cunctorum* teneamur providere quieti, et pacem inter singulos exoptare," &c. See *Epp. Inn. III.* lib. i. ep. 130, p. 73.

[s] It seems, however, that the ship never reached its destination. The cargo, we are told, was sold at Messina, and the proceeds held or embezzled by the pontifical supercargo.

cause. Though he did not succeed in establishing a peace between the jealous commercial republics of Genoa and Pisa, he was compensated by the general revival of the spirits of the Italians; and was soon afterwards cheered by the reports of his legates in France promising a still more abundant levy of combatants for the holy war. Meanwhile a general indulgence and remission of sins, reinforced by all those special privileges theretofore granted to the soldiers of the cross, was published throughout the Christian world, placing the *bona fide* combatants and all their belongings under the special protection of the Church and the Holy See.[t]

Preparations for the crusade in France;

But the legate-cardinal Peter of St. Cecilia, sent into France to preach the crusade, was charged with a more delicate commission; namely, to prevail upon, or to compel, the King to repudiate his wife, and take back to his bosom the ill-used princess of Denmark; and, pending his efforts for that "holy" purpose, to recruit the armies of the cross by all whom his own eloquence, or that of his emissaries, could engage in the sacred cause. In this latter object his success was of the most encouraging kind. The earls of Flanders and Hainault, the count of St. Paul, the bishops of Soissons and Troyes, several great abbots, many knights and esquires, and a crowd of the lower orders, took the cross; and Philip Augustus was prevailed upon to agree to a five years' truce with the king of England for the prosecution of the holy war.[u] But as to the second purpose of the commission, Innocent was not ignorant that nothing short of a sharp turn of the pontifical screw would extort from the king the renunciation of his dearest affections, and the resumption of a loathed and unfruitful connexion. But, if for no other reason, it was important to break the stubborn spirit of the French monarch. The attainment of this object the Pope believed to be worth all the risk that might be incurred in the disturbance of the religious

and measures for the restoration of the Queen, &c.

[t] *Gesta*, &c. § 46, pp. 19, 20. *III.* lib. i. ep. 345, p. 199.
[u] *Ibid.* § 47, p. 20. Conf. *Epp. Inn.*

mind of the kingdom, and of making an implacable enemy of the King—perhaps, even of hazarding the great enterprise in hand, and forfeiting the glory which the Holy See might expect to reap from the hegemony in the holy war. But in the actual state of the kingdom the participation of Philip himself was of less consequence than that of the great vassals who had already pledged themselves to the Pope; and the danger of an open rupture with the King was by so much diminished.

Proceedings against the king of France in the divorce cause.

Innocent prefaced his proceedings against the king of France by several urgent and menacing epistles. He had, he told him, persisted in a course of adultery and concubinage of the most scandalous kind in the very teeth of his condemnation by pope Cœlestine III.; he had already had a foretaste of that divine vengeance that was about to overtake him in the famine which had afflicted his people, and in the defeat of his armies. All these, and unspeakably greater calamities, should surely befall him unless, without delay, he *publicly* dismissed his "harlot," and before the world took back his injured wife to his bed and affections. The appeal to the Holy See he had interposed against this decree might *after that perchance* be heard, but hardly with any prospect of success, inasmuch as he could not believe, after the circumstantial reports he had received of the pious and spotless life of the queen, that any available plea for a divorce could be sustained; meanwhile he, the Pope, in God's place, had resolved to chasten the king with the utmost severity of divine justice; and, aided by *divine inspiration*, with inflexible determination to proceed to the uttermost of ecclesiastical chastisement, and without regard to supplication or prayer, or to any sentiment of fear or other human affection, to go on in the straight path of rectitude and justice. With all his boasted power, he defied him to stand up against the power of Almighty God, *or of him whom He had set over all to execute His justice and judgments upon earth, of which power he* (*Innocent*) *was the minister and representative.* "Eternal truth," he continued, "must conquer, and verily your enemies shall prevail against

you; neither shall your feeble arm arrest the arm of the eternal potentate: therefore, dearest son(!), make a virtue of necessity—bow down your head, and satisfy our just demand; nay, not ours, but rather the demand of the divine Author of your life and kingdom, in order that you may render Him propitious to you and your realm, and thereby relieve us from the dread necessity of putting our holy office in execution against you."[v]

Excommunication and interdict upon the kingdom, &c.

Surely, if the Pope had determined to enlist all the passions, good or bad, of the King against his own resolution, he could not have used language better adapted to such a purpose. But perhaps Innocent III., acting upon a more accurate knowledge of his contemporaries than we possess, might deem it a safer course to strike terror into his adversaries than to trust to any gentler methods of persuasion. Without offering any excuse for the use of language which, if not as Christians, yet as men of the world, we must condemn, it must be admitted that there was in that age a hardness of heart, a coarseness of feeling and perception, that required to be struck at with a force which, in a more advanced stage of civilisation, would recoil upon the head of the operator. And in fact it appears that Innocent knew what he was about, and had taken up his ground warily enough. Philip Augustus, as he had reckoned, turned a deaf ear to the growling of the distant thunder. But the tempest was not slow in its approach. A general precept was forthwith issued to the archbishops, bishops, abbots, priors, and the aggregate clergy of the kingdom, after first admonishing the King to give immediate obedience to the command of the Holy See, to announce to him, that unless within one month he "satisfied the demands of justice," his realms should be smitten with the pontifical curse, so that—excepting only the baptism of infants and the viaticum to the dying—all the ordinances of religion should cease. The term expired without a symptom of compunction on the part of the

[v] *Gesta*, &c. §§ 48 to 51. *Epp. Inn. III.* lib. i. ep. 171, p. 92; ep. 347, 348, pp. 93, 200. *Ibid* lib. ii. ep. 197, p. 464. Conf. *Raynald.* an 1198, §§ 29 to 31, pp. 13-15.

King, and the threatened interdict was published by the legate. For a time the bishops hesitated to proclaim the sentence, but the stern demeanour of the Pope at length prevailed over their loyalty to their king, and all the rites of religion ceased simultaneously over the length and breadth of the kingdom. The churches were closed; the bells no longer gave forth their cheerful sounds; the dead lay unburied in the house of mourning; weddings were stopped at the porch of the church; except to the dying, the comforting sacrament of the body and blood of Christ was withheld; confession and absolution were denied to the penitent sinner, and the venial offender was placed on a level with the hardened and unshriven reprobate. A vague terror took possession of the public mind, and the King added to the general panic by unwisely expelling the bishops and clergy who had taken the lead in obedience to the papal mandate from their sees and benefices, and confiscating their property. By thus listening to the suggestions of a natural indignation, Philip turned over the great body of the French clergy to the party of the Pope,[w] to whom alone they had now to look for restitution of property by all human law forfeited for their treason against their sovereign.

Hesitation of the bishops.

But Philip III. of France, like Henry II. of England, was a prey to that superstitious tremor which disabled him from retrieving the false position in which he had placed himself. A way to slip out of the dilemma was still open to him. The deprived clergy of France were never so profoundly attached to the chair of Peter as to have lost sight of the good things of this world. But the King, instead of retracing his steps, and showing a bold front to an adversary who could be encountered only by weapons tempered in the same workshop, besieged the ear of the Pope by querulous complaints of the conduct of his legate, and by urging his right to a *previous* investigation of the grounds of his divorce. He was, however, unaware, or did not choose to remember, that the decretal principle, upon

False position of Philip III. of France.

[w] This was the fatal error committed by Henry II. in his dispute with Becket.

which pope Innocent acted, inverted the order of natural justice. By that principle restitution and amends preceded instead of following the judgment in spiritual cases; and the Pope ingenuously replied, that, as soon as the King should have dismissed his concubine and taken back his legal wife, no objection would be offered to a due investigation of the causes of his divorce; but that the withdrawal of the interdict must be preceded by an immediate restitution, with ample indemnity for the loss sustained by the sequestration to the deprived clergy.[x] Philip Augustus, unlike his hapless contemporary Henry II. of England, had the moral courage to look his awkward position in the face. He consulted his clergy, and of course received from them the unanimous advice, at every sacrifice of personal feeling, to yield to the pressure of the times.[y]

Philip followed the advice of his prelates, and signified his submission to the Pope. Innocent accordingly sent the senior cardinal Octavian, bishop of Ostia, into France to arrange the terms with the court. These terms were, *first*, restitution and indemnity to the ousted and sequestered bishops and clergy; *secondly*, the dismissal of Mary of Meran, and her expulsion from the kingdom; *thirdly*, the resumption of his marital intercourse with his divorced wife, under a solemn engagement never again to desert her, except upon a *canonical* judgment of the Church. If, said the Pope superciliously, he should after that think fit to dispute the validity of his marriage in a regular way, he should be at liberty so to do within the space of six months, first giving notice to the king of

His submission; the conditions.

[x] As against the Pope, *a fortiori*, any complaint could only proceed upon a perfect submission to the interlocutory decree which might be given at *any stage of the cause*. It was the same in the metropolitan and the bishops' courts. See Book vi. c. vii. of this work. No fault in law is to be found with pope Innocent's decision—always, be it observed, upon *decretal principles*.

[y] The author of the *Gesta*, § 53, p. 21, says that after the delivery of the opinion of the council, king Philip asked the archbishop of Rheims, who had himself pronounced the sentence of divorce from Ingeburga of Denmark, whether what the Pope had written to him (the king) respecting the illegality of the divorce was true. The archbishop replied that it was so. "Then," said the King, "you must have been either a knave or an idiot to pronounce such a sentence."

Interdict dissolved, &c.

Denmark to appear and defend the cause of his sister. These terms were accepted by the King. Queen Ingeburga was publicly received at court, and a suitable residence and attendance were provided for her. The interdict, which had lasted for eight months, was accordingly withdrawn; and some indulgence was extended to the repudiated queen Maria on the ground of pregnancy. But this impediment to the full execution of the papal design was soon afterwards removed by her death in childbirth; "and thus," says the pious biographer of Innocent III., "did the Lord take justice and judgment into His own hands, inasmuch as the concubine, after a painful delivery, paid the debt of all flesh."[z] It may be imagined that the King, who was ardently attached to his deceased wife, would now have lost in a great degree his interest in the forthcoming trial of the validity of his first marriage. When, however, the cause was debated before the legates appointed by the Pope, Philip found so little disposition on the part of the judges to give him or his advocates a patient hearing, that he turned his back upon the court in disgust, and declined further to prosecute his cause before judges from whom it was obvious an impartial decision was not to be expected.[a]

The Pope punishes the French bishops, &c.

The death of his beloved queen Mary produced no revulsion of feeling in favour of the object of his earlier aversion. Innocent, however, was content with his victory, and made no further effort to bring about a more cordial union between the ill-mated couple. But as long as a root or fibre of disaffection remained to be torn away, the Pope could not be assured of the subserviency of the French prelates. There still remained among the clergy of the kingdom a minority who had stood out to the last against the publication of the interdict. Among these was the bishop of Auxerre. The archbishopric of Sens becoming vacant, the chapter had elected him to the metropolitan chair of that church; but the Pope, when applied to to confirm the nomination, flatly refused; "for," said he,

[z] *Gesta*, &c. § 54, pp. 21, 22. [a] *Ibid.* § 55, p. 22.

"by the divine law a man may not plough with an ox and an ass, nor shall he mend a woollen garment with a flaxen thread; so neither shall the bishop of Auxerre be a greater gainer by singing a good song than he was a loser by singing a bad one." The opportunity was not thrown away, and Innocent immediately put in a creature of his own, Peter bishop of Cambray, into the vacant see.[b] The disobedient or procrastinating prelates were compelled to sue out their pardons at the footstool of the Pope. In this way the archbishop of Rheims, the bishops of Chartres, Orleans, Melun, Auxerre, Noyon, Beauvais, and several abbots and clergy of rank, were compelled to appear at Rome in person, or, if prevented by infirmity, through their proctors, and make oath that they would in future, without demur, yield obedience to the commands of the Holy See; that they would instantly, and without inquiry, publish and execute all papal censures, and in their own persons punctually perform all the penances imposed for their past transgressions.[c]

Pursuing the general plan marked out in the introduction to this Book,[d] we devote the remainder of this fourth chapter to the operations of pope Innocent in the Spanish peninsula, and in other outlying portions of his spiritual realms; the latter proceedings bringing his history into a natural connexion with the great crusade of the year 1203, the capture of Constantinople, and the ultimate defeat of his plans for the relief of the Holy Land.

Jurisdiction of Rome in matrimonial causes.

It is impossible to over-estimate the political power gained by the Church through the medium of the canonical restrictions upon marriage, the right to determine the legality of the connexion, and to legitimatise or bastardise the offspring at pleasure.[e] If the pontiff of Rome had held himself bound by the same rules as those to which he was always ready to appeal as against others, the inconvenience arising out of uncertainty in the application of

[b] *Gesta*, &c. § 56, p. 22.

[c] *Ibid.* &c. § 57, p. 22. It seems that this submission took place before the removal of the interdict.

[d] Conf. ch. i. p. 324.

[e] Conf. Book x. c. 3, p. 216 of this work.

the law, however irksome in itself, would have been less severely felt; but as it was, no such limits were allowed to interfere with his discretionary power, upon special grounds, to set aside his own law, and to give or to withhold the sanction of the Church, as might be most conducive to its interests or his own. Yet, though Innocent III. maintained the theory of the omnipotence of the pontifical dispensation with the utmost strictness, there was a severity of principle in his practice which rarely induced him to swerve from the letter of the law. His spiritual subjects, therefore, knew pretty well what they had to expect when they transgressed the ordinances of the Church, or neglected to inform themselves at the fountain-head of how that law was likely to tell upon their acts.

The king of Leon excommunicated for unlawful wedlock.

Alphonso, surnamed the Noble, king of Leon in Spain, had committed the indiscretion of marrying his cousin Berengaria, daughter of Alphonso IX., king of Castile. The Pope immediately despatched Rayner, an expert canonist, into Spain, to investigate the case, and if found to be unlawful, not only to dissolve the marriage, but *to annul all civil engagements and contracts* entered into for the benefit of the parties to the illegal connexion. The King refused to repudiate his wife, or to renounce the advantages of her dower and outfit; and Rayner, without delay, published the interdict upon the kingdom of Leon. Both the father and the husband of Berengaria sent their envoys to Rome, soliciting the papal dispensation for the marriage. The Pope, however, peremptorily rejected the petition, and declared that no consideration should tempt him to sanction so serious a crime. He thought proper, indeed, to remove the general interdict; but at the same time republished the greater excommunication against the King and his incestuous consort; and issued a decree *revoking all grants of land, towns, and castles* transferred to the King as the marriage-portion of his queen, and *reconveying them to the king of Castile*, who had in the mean time earned his pardon by intimating his readiness to receive back his daughter in obedience to the

papal precept. The Pope formally declared the issue of the incestuous marriage, if any, to be illegitimate, and *incapable of taking any interest by descent* from their parents. In this case, as in that of Philip II. of France, Innocent was ultimately victorious; the marriage was dissolved, and the censures upon the King and the divorced lady were withdrawn.[f]

Political interferences of the Pope in Spain.

But this was not all the legate Rayner had to do in Spain. He was instructed to compel the kings of Navarre and Castile to make peace with one another; and with that view he had actually smitten the territories of the former with the interdict for an alleged breach of a subsisting truce between the two crowns, and for entering into a treasonable compact with the heathen Saracens in order to maintain himself in possession of his usurped acquisitions. The legate had received special orders, after settling the affair of the incestuous marriages, and the establishment of peace between Navarre and Castile, to spare no pains to bring about a solid league between the Christian princes of Spain against the enemies of the faith; and for that purpose to make a liberal use of the spiritual weapons placed in his hands.[g]

Claim to Portugal as a tributary kingdom.

Sancho, king of Portugal, was warned to be more punctual in the payment of the tribute due for his kingdom to the Holy See. He was reminded that the tribute his father Alphonso I. had agreed to pay was the double of that which he, the son, had transmitted to the sacred treasury; and that any attempt to defraud the Holy See of its just dues would infallibly expose him and his kingdom to the divine wrath, and be regarded by the Pope as a sacrilegious violation of the right and property of the "mother and mistress of all churches."[h]

When we hear of a papal legate instructed to announce

[f] *Gesta*, &c. § 58, pp. 22-24. The biographer is diffuse upon this transaction. He tells us that the king of Portugal had incurred a similar censure for marrying within the canonical degrees, probably the same as that condemned by pope Cœlestine III. See c. i. p. 339 of this book. See also the frantic invective of pope Innocent against so-called "incestuous marriages," apud *Rayn.* an. 1199, § 40, p. 51.

[g] "Super quo (the league) te præcipue volumus esse solicitum, *per excommunicationis et interdicti sententiam*, appellatione remota, cogere non omittas."

[h] *Epp. Inn. III.* lib. i. ep. 249, p. 132; ep. 446, p. 264. In the year 1159, or per-

The tribute, how to be regarded.

to the courts to which he is accredited that he has it in commission "to establish peace among them, and to abrogate all improper compacts or treaties,"[i] we wonder where the interposition assuming such a character was to stop. It was the traditional policy of the Holy See to construe every token of religious deference, every practical proof of a desire to stand well with the spiritual father of Christendom, as an admission of dependency or vassalage. Whether the king of Portugal meant the benevolences just adverted to in that sense or not, it is certain that pope Innocent so regarded them.[j] There is abundant proof that the Roman pontiffs had accustomed themselves to consider the habitable globe as the fee-farm of the Holy See, and, whenever possible, to exact a rent or a profit from it in one shape or another. The imperial crown itself had, as we have seen, been described as an emanation of the chair of Peter, and bound to him that sat thereon by the same ties of allegiance and fealty as the vassal to the lord of the fee. It was certainly no fault of the popes that the princes of the world did not very clearly apprehend the terms they were on with the spiritual sovereign. There was no

haps somewhat later, Alphonso I., who reigned for a period of seventy-three years (A.D. 1102–1185), had sued to pope Alexander III. to confirm his new title of king of Portugal; and the Pope, in consideration of his services to Christendom and of an annual payment of two marks of gold, took him, his kingdom, and all the towns and territories he had conquered, or might thereafter conquer from the Moors, under the *special protection* of the Holy See. Alphonso had further advanced to the Pope a sum of 1000 pieces of gold (aurios), but had never afterwards paid the tribute, or made any further advances to the see of Rome during his lifetime. His successor, Sancho I., was required by Cœlestine III. to pay up the arrears of the tribute; but he alleged that the payment of the 1000 pieces was an anticipated payment, as contracted for by his father. Innocent III., however, declared the advance of the 1000 pieces to have been a free gift to the Holy See. This view seems to have been at length adopted by Sancho, who had paid in a sum on account; but still the exact amount of the debt remained in dispute, and this was the subject of complaint in the epistle above quoted. Conf. *Schäfer*, Gesch. von Portugal, vol. i. pp. 54–57. This writer examines the tributary relation of Portugal to the see of Rome with candour and ingenuity. Conf. also *Rayn.* an. 1199, § 33, p. 15; and further, *Epp. Inn. III.* lib. i. ep. 99, p. 54.

[i] "Ad pacem inter principes reformandam, et dissolvendas colligationes iniquitatis." The "colligationes" may mean public, as well as mere family matters. *Epp. Inn. III.* ep. 92, p. 49.

[j] In the letter of Innocent III. to the king of Portugal (lib. i. ep. 99, p. 54) he admits that the latter had denied that the payments were in the nature of tribute ("pro censu"); but the Pope persisted in imputing to it that character, and told him that if he did not pay up, the legate had orders to proceed against him. The letter is dated the 24th of May 1198.

want either of documentary or practical explanation. A pope had given a royal crown a-piece to the princes of Hungary and Poland, and the new kings became the reputed vassals of Rome;[k] pope Alexander II. had exacted an engagement from the French adventurers in Spain that all the conquests they should make from the infidels in that country should be held by them as tributary vassals of the Holy See; Gregory VII. claimed the whole of that country as an appendage of the spiritual monarchy by a still more ancient and, if possible, more visionary title;[l] and when it suited him to set up a new king in Germany and another in Italy, he required from both oaths of precisely the same import, and in nearly the same terms, as those usually taken by vassals to their feudal lords.[m]

Character of the papal pretensions tried by concomitant facts.

Comparing these pretensions with the facts which accompanied them, we may form some notion of the nature and compass of the plans of pope Innocent III. for the expansion of the pontifical scheme. We have seen how that, in the earliest years of his reign, he had added wide districts to the immediate dominions of the Holy See; how that he had conquered the great duchies of Ancona and Spoleto; how that the lands of the countess Matilda had been, in part at least, reduced into possession; how that the feudal dependencies of Apulia, Calabria, and Sicily had been confirmed by the self-surrender of the empress Constantia and the helpless minority of her son. All these acts of power had been accompanied by declarations of autocratic sovereignty of a purely secular character, while at the same time and in the same breath formidable claims of the like kind had been advanced against independent states, under a plea which merged the *ultimate* powers of government in the paramount sovereignty of the chair of Peter.[n] Thus far these acts do not substantially differ from those of vulgar ambition. It must be left to the theosophic casuist to raise them to a higher moral or religious level.

[k] Book ix. c. 1, p. 3.

[l] See Book x. c. 6, p. 285.

[m] Conf. Book xi. c. 3, p. 527, and Ibid. c. 4, p. 563.

[n] The *proximate* powers might be allowed to remain in the hands of the satraps of the autocrat of Rome.

The Pope and the emperor Alexius Angelus.

Some light is thrown upon the scheme of Innocent III. by an opening which occurred in the year 1198 for the renewal of intercourse between the Pope and the Byzantines. The emperor Alexius Angelus had sent "orators"[o] to the Pope with valuable presents, ostensibly to treat upon the affairs of the Holy Land. Innocent frankly replied that the only security the Emperor could give to the Latin world for the sincerity of his coöperation for the deliverance of the Christians of the East from the bondage of the infidels, was by a solemn renunciation of the existing schism. To that end he proposed a general council, to be held in Italy, with a view to "reconcile the member with the head of the Church," the "mother with the daughter," "the subject with his chief." The proposal concluded with an ominous caution to the Emperor that any neglect, evasion, or rejection of the apostolic commands would be followed by the severest visitations upon himself and the whole Greek Church.[p] In his reply Alexius assented generally to the proposal of a congress, but urged that it ought to be assembled within the precincts of the empire where all the general councils had been held; and that in this respect the priesthood had always acknowledged the superiority of the empire.

Dispute about preëminence, &c.

The Emperor appears to have built upon the precept of the apostle Peter, "Submit yourselves to every ordinance of man for the Lord's sake."[q] But this was too bad to be borne patiently. "The text," rejoined the Pope, "meant no such thing: it meant only that men in their lay capacity were to be subject to human laws, but to apply this to the head of the Church proved the utter ignorance of the Emperor and his advisers of the whole course and drift of scriptural authority: throughout the Old Testament the superiority of the priest over the king was uniformly maintained: David,

[o] "Oratores"—in the Latin report probably used in the sense of "supplicants."

[p] *Gesta*, &c. §§ 60 and 61, pp. 24-28; *Epp. Inn. III.* lib. i. epp. 353, 354, pp. 203, 204: conf. *Rayn.* an. 1198, § 86, p. 35. For this the Pope quoted the "Canons," of which canons the Byzantines had not probably the remotest idea.

[q] 1 Pet. ii. 13, 14.

it is true, was not a priest, though the sovereign of the high-priest Abiathar; but then David was the ancestor of Christ, and as the possessor of the prophetic character, superior to the priest: besides, Christ was a priest after the order of Melchizedec, that is, *both priest and king:* Peter was his successor, inheriting his undivided power and authority both as priest and king: he stands in his place on earth: he is high-priest over all, in the same degree and manner as Christ is over all:[r] now the priests are the 'gods,' and the Pope, as the vicar of Christ, is the 'ruler' of the people; therefore, to set himself above them is an offence of the deepest die: to resist the papal admonition, were to resist the ordinance of God conveyed in the words, 'Feed my sheep'—words which admit of no restriction to this or that flock, for that all are subject to Peter: his superintendence *extends over the whole earth,* and none shall dispute his right to rebuke and censure transgressors of every rank and degree."[s]

The Emperor claims restitution of Cyprus.

Innocent, however, did not wish the negotiation wholly to drop. Satisfied for the present with repulsing triumphantly the ignorant presumption of the Greek, he closed his letter in a more conciliatory tone. The real object of the embassy now crept out. The court of Constantinople regarded the detention of the island of Cyprus, conquered by Richard Cœur-de-Lion on his late crusade, as an encroachment on the territory of the empire. Alexius, it appears, entertained the hope that by holding out a prospect of the reunion of the two churches he might induce the Pope to make use of his spiritual weapons to compel the restitution of the island. But when the envoys ventured to request this proof of friendship, the Pope drily remarked that, if he was rightly informed, the island, at the moment of the conquest, was not in the hands of the empire, and could not, therefore, be considered as forming a part of the Emperor's dominions; that, besides this, Cyprus was the granary of the armies

[r] Quoting the text from Jeremiah, "See, I have this day set thee," &c.; and (Exod. xxii. 28), "Thou shalt not revile the gods, nor curse the ruler of thy people."

[s] *Gesta,* &c. § 62, p. 28.

in Palestine, and could not be parted with, except at the risk of famine, as well as of casual hostilities from other quarters: nevertheless, he would inquire further into the matter, and act as right and justice might demand.[t]

The ill success of the negotiation.

If Innocent had been solely bent upon the success of the crusade, for the promotion of which he was at that moment exerting every nerve and muscle of the pontifical authority, Alexius would have had a good chance of striking a profitable bargain for himself. But the latter regarded even the success of his favourite project as of minor importance compared with the prospect of reducing the Greek Church to a reunion with Rome on his own terms. And, as usual, he went straight to his object. But this mode of proceeding did not suit the wily Greek. Alexius accordingly stuck to his text—let justice be done, and then it would be time enough to talk about terms of reunion. The negotiation fell to the ground, without any increase of good feeling between the parties.

King Calo-Johannes of Bulgaria submits to the Pope.

The affairs of the emperor Alexius were about this time complicated by the revolt of the Bulgarians. Under their king Johannitius—or, as he is more euphoniously called, Calo-Johannes—they had declared themselves independent; and the prince now petitioned the Pope to sanction his assumption of the royal style and title. His predecessors, he said, had indeed enjoyed that dignity by grant of the crown of Constantinople; there was, however, now no chance of obtaining the boon from that quarter. The prospect thus opened of at least severing a part from the Greek schismatic communion was promptly embraced by the Pope; legates were despatched and preachers sent into Bulgaria to convert the natives, and to propose to Calo-Johannes the adoption of the whole doctrine of Latin supremacy. Other emissaries followed, with full powers for carrying the Bulgarian churches away from "the broken altars at which they had hitherto ignorantly worshiped" to the only true Church. With

[t] *Gesta*, &c. § 64, p. 30.

the full consent of the prince, an archbishopric and two bishoprics were founded, and the new prelates received the insignia of their dignity from Rome, on taking oaths of allegiance and fidelity to the *Pope of the universal Church*. At the same time Calo-Johannes laid himself and his principality at the footstool of the holy Roman Church by a deed sealed with a golden seal.[u] The king—*in prospectu*—relinquished the nomination of the whole ecclesiastical staff of the kingdom to the Pope, and took an oath that neither he, nor, with his assent, any of his nobles or people, would swerve from their obedience to the Holy See, and that he would strive to reduce *all the lands and territories he might thereafter acquire*,[v] whether from Christians or pagans, *under the power and command of the apostolic see*.[w]

Calo-Johannes crowned by the Pope.

After these acts of homage to the chair of Peter, the Pope no longer hesitated to grant the petition of the suppliant. The crown, the mantle, and the sceptre of royalty were despatched from Rome by the hand of a cardinal-legate, with special injunctions to impress upon the new king that the dispensation of crowns, and, indeed, of all earthly dignities, had been committed by the Lord to St. Peter and his successors; for that in him and his Church was the ark of salvation, out of which, if any man be found, he must perish in the flood of the last judgment.[x] "Now,

[u] *Gesta*, &c. §§ 68 and 70, pp. 31-33.

[v] This engagement could hardly affect any other territories than those of the empire of Constantinople, excepting it were Hungary; but that country stood already in filial relation to Rome.

[w] "Potestate et mandato ejusdem sacrosanctæ Rom. ecclesiæ et apostolicæ sedis." *Gesta*, &c. § 70, p. 33.

[x] "The pastor of the church is the Noah of the ark; for Noah is said to have walked with the Lord, and to have come to the Lord over the waves of the sea, signifying thereby the whole world, all of which is committed unto Peter, who is called 'Cephas' (Κηφᾶς), quasi κεφαλὴ, 'the head.'" The blunder is adopted by Baronius and many other papal writers. The term Κηφᾶς is, we believe, Syro-Chaldaic, and denotes a 'stone' or 'rock.' See *Schleusner* ad voc. Κηφᾶς. The Pope proceeds in the following curious strain of symbolism: "The Pope is the governor of the ark; he is the head on which dwelleth the plenitude of the senses.... Thus, when Peter asked of the Lord how many times he should forgive his brother, he replied, 'Until seventy times seven:' now, inasmuch as all time is included in the number seven, the multiplication of the seven into itself denotes the sins of the whole world; so that to Peter it is given not only to remit the sins of all men, but also to remit and pardon sin itself(!): unto Peter, and to Peter alone, exclusively of all his other disciples, he said, 'Follow me;' which means, 'Take my office upon thee'(!); thereby conferring on him the fulness of ecclesiastical power as the one shepherd," &c. &c.

therefore," he proceeded, "in virtue of this our office, and out of our paternal solicitude to provide both for the *temporal* and spiritual welfare of the Bulgarians and Wallachians, and after the precedent of Samuel the priest, who anointed David king, *we have resolved to place* a king over them; and we have by this our special legate sent him the diadem and the sceptre, upon the express ground that he hath sworn to be and remain for himself and his successors for ever devoutly obedient to the holy Roman Church, and to keep himself and all the lands and peoples subject to his government in the like obedience and devotion."[y]

Pontifical theory again tried by the concomitant facts.

Such passages as these—and they are extremely numerous—in the writings of pope Innocent III., with the accompanying facts, exclude all doubt that he regarded the world at large, and not merely the spiritual Church, as within the scope of his supreme control. The power to "root out and pull down," to "destroy and throw down," to "build and to plant," denotes not only a power, in the place of God, to pull down thrones, to depose princes, to absolve subjects from their oaths to their rulers, but also to set up kings, to grant crowns, and to change governments. The corroborating precedents are the successive depositions of Henry IV. and Frederic Barbarossa, and, somewhat later, of John of England; the claim of the popes to the exclusive patronage of the imperial diadem; the grant of the kingly crown and dignity to the princes of Poland, Bohemia, Hungary, and Portugal; the appropriation of the kingdom of Sicily; and the general prerogative to set in motion the temporal powers for the acquisition of all lands and territories claimed as, actually or presumptively, part and parcel of the Patrimony of the Church, without either choice or reciprocal advantage to the temporal executive. And to these facts Innocent himself frequently appeals as precedents and instances of the exercise of all these powers. It may, however, be admitted, that the use to be made of this universal pre-

[y] Dated from Agnani, the 24th February 1204, in the seventh year of his pontificate. *Gesta*, &c. § 73, p. 35.

rogative was rather in the nature of an ultimate reservation of an authority to direct the course of human political events to the advantage of the Church and its head, than of a power of normal or constant exercise.

The Pope in the quarrel of Andrew of Hungary and the Bulgarians.

Andrew, king of Hungary, had taken offence at the elevation of Calo-Johannes, with whom he was at war. He had even ventured to detain the Pope's legates while on their journey through his country to Bulgaria. For this act of audacity he had received a severe rebuke from the pontiff. "Such an act," said the Pope, "could not pass without correction; and unless the King should retrace his steps, and give immediate satisfaction for so gross an insult—not to himself, but to the Lord Jesus Christ in his person—he must be prepared for the utmost infliction of the pontifical scourge."[z] The Pope, however, condescended to explain his conduct in respect of the Bulgarian crown. That ornament, he said, had been granted in respect of the right of Calo-Johannes to the kingdom of his ancestors, one of whom had, at his baptism, subjected the entire kingdom of Bulgaria to the Holy See.[a] After that, indeed, it had fallen into grievous servitude to the schismatic Greek, but had at length been delivered by the brothers Peter and Calo-Johannes, the legitimate descendants of the ancient kings of the country. These princes may, indeed, have committed trespasses upon their neighbours, but *that* was no reason for depriving the legitimate heirs of the kingdom, who had, to boot, acknowledged themselves the vassals of the Holy See. The legates, however, were still on their way; the King was not yet crowned, and "till the prince of Bulgaria should have taken upon him the apostolic discipline and submitted to the pontifical control and government,[b] he, the Pope, could have no right to interfere in the cause."

The king of Hungary released the legates. Calo-Johannes was crowned and anointed by the papal legate;

[z] *Gesta*, &c. § 78, p. 35.

[a] This anecdote we suppose to have arisen from the incident of king Bogaris of Bulgaria having sent his son to Rome for education at the persuasion of the Latin priests, in the pontificate of Nicolas I. in 865. Book vii. c. 6, p. 364.

[b] "Magisterium et præceptum." *Gesta*, &c. § 79, p. 40.

Resulting relations of both parties to the Pope.

and not long afterwards became one of the severest thorns in the side of his patron the Pope. But for the moment both Andrew and his Bulgarian rival had now good cause to look to Innocent for redress against the wrongs both had sustained from the illegal violence of the crusaders, who had diverted their arms from its original purpose to the invasion of the Christian countries that lay in their way. The crusaders, at the persuasion of the Venetians, had taken and plundered Zara, a city recently added to the Hungarian territories. Calo-Johannes believed that the revolution which had by this time delivered Constantinople into the hands of the Latins, would involve him in a war with the latter, while his disputes with Hungary were still unsettled. Both parties looked to the Pope to help them out of their difficulties. The results of the labours of pope Innocent III. at this interesting period of his pontificate must be reserved for the next chapter, in which some particulars respecting the Latin conquest of Constantinople must engage our attention.[c]

[c] For the facts in this paragraph see *Gesta*, &c. § 80, p. 42.

CHAPTER V.

INNOCENT III. AND THE CRUSADE OF 1202—THE HOLY LAND—SCANDINAVIA, &c.

The holy war—Crusaders and Venetians—Diversion of the crusade—Nugatory repentance of the Frankish pilgrims—Further diversion of the crusade, and capture of Constantinople—Instructions of the Pope to the army—Capture of Constantinople; how treated by the Pope—Proviso—Effect of the proviso—Absolution of the Venetians—Second revolution at Constantinople—Elevation of Murzuflos—Second capture of Constantinople—Baldwin emperor—Deed of partition between Venetians and Franks—Baldwin's report and petition to the Pope—Previous misgivings of the Pope—Exultation of Innocent III.—Petition of the Emperor and the Venetians—The Pope reproves the crusaders—The Pope accepts his new position—Edict on behalf of the Latins of Constantinople—Difficulties of the Pope—he claims the patronage of the patriarchate of Constantinople—he declines to sanction the treaty of partition—The Pope and the Venetians in the matter of the patriarchate—Indemnity to the clergy—Reorganisation of the Greek Church—Selfish policy of the Venetians—how rebuked by the Pope—Defeat and death of the emperor Baldwin—Apology of Calo-Johannes to the Pope—Henry of Flanders emperor—his liberal policy—Failures and disappointments of the Pope—State of the Holy Land—Leo king of Armenia—Dissensions in Syria referred by appeal to the Pope—Confusion of affairs in the East—Projects of Innocent III.; how far successful—Issue of the Pope's efforts in the East—Foreign churches—Peter of Aragon crowned by the Pope—Effect of the coronation—The Scandinavian churches—Norway—Sweden and Denmark—Poland—The "Emeriti" of the Roman Church; their privileges—Hungary; indulgences to king Emerich.

Of all preceding pontiffs, none was more sincerely impressed with a sense of the great duty of rescuing the Holy Land from the hands of the infidel than Innocent III. During the concluding year of the twelfth and the first of the thirteenth centuries his preachers had been at work stimulating the popular conscience, and stirring up the religious feelings of the nations in favour of the pious enterprise. The best chance of success seemed to lie in the establishment of a solid peace among the Christian nations of the West. But at this point of time the jealous rivalry of France and England, the war of succession in Germany, the distracted state of the Sicilian dependencies of the Holy

The holy war.

See, the disputes between the rival kingdoms of Hungary and Bulgaria, and, lastly, the never-ending dissensions of the Spanish princes, and their immitigable warfare with the Moorish occupants of the greater half of the peninsula,—all these adverse circumstances concurred to shut out every prospect of bringing together the princes and people of the West for one combined effort for the recovery of the Holy Land.

Crusaders and Venetians.

But in another direction there were better hopes. The popular mind had as yet lost little of its enthusiastic faith in the superlative merit of the holy war, and between the years 1200 and 1202 the crusade was preached in France and other parts of Europe with extraordinary success. Within that period thousands of men of all ranks—princes, nobles, gentry, clergy, and monks—had taken the cross, and were ready to march, under the banners of the markgrave Boniface of Monferrat, the earl Baldwin of Flanders, the counts of Blois and Simon de Montfort, the bishop of Soissons, and six other great barons of France. The leaders had devoted all their private resources to the necessary preparations for the expedition, and had entered into a treaty with the doge Henry Dandolo and the republic of Venice for their conveyance to the scene of action. At Venice the army was reinforced by a strong division from Germany; and the preparations for embarkation proceeded with regularity and despatch. But at the moment of going on board the transports furnished by the republic, they were called upon to pay up the whole of the stipulated passage-money. They accordingly paid, to the last coin, all they were able to collect, into the treasury of the republic; but a large residue remained unliquidated. The expedition was, in short, insolvent before it started. The doge and signoria of Venice seized the opportunity to turn the expedition to their own profit. With well-dissembled generosity they agreed to protract the term of payment upon condition that the crusaders should lend a hand to recover for them the city of Jadera or Zara, a revolted dependency of the republic, now forming a part of the kingdom of Hungary,

the balance of the account to be deducted from the value of the spoils of the city which might fall to the share of the army. With the prospect before them of forfeiting all they had already paid, and the intolerable disgrace of failure, the crusaders had no choice but to embrace the alternative presented to them by the wily republicans. The expedition sailed, and Zara was taken and plundered; after which the army landed on Corfu, where they took up their winter-quarters.

Diversion of the crusade.

This unholy diversion of the sacred expedition had taken place under the eyes and with the knowledge of pope Innocent. The original compact with the Venetians had been duly reported to him by the French pilgrims for his confirmation before their embarkation. Suspecting the intentions of the Venetians, he annexed to his ratification a proviso that no attack should be made on any Christian state or people that might lie in their track. But the Venetians peremptorily rejected the proviso, and sent back the papal legate appointed to accompany the expedition as the representative of the Pope; intimating, however, that if he chose to embark in the simple character of priest or pilgrim, he would be allowed to sail with it. No doubt now remained upon the mind of Innocent of the sinister intentions of the republic; and he sent word to the crusading army that if, in defiance of the pontifical prohibition, they should step aside to assail the territories of any Christian prince or state on their way, they would, *ipso facto*, incur sentence of excommunication and anathema. But the message came too late. The temptation of the expected plunder, and a free discharge from their monetary difficulties, overcame all their scruples. The markgrave Boniface, it is true, withdrew from the expedition; but the force sailed with alacrity to Zara, and, after a short siege, the plunder of the city rewarded this first breach of their vows.[a]

The news of the capture of Zara drew from the Pope a severe rebuke. As the first step towards obtaining pardon, the captors were commanded to restore the city

[a] *Gesta*, &c. § 83, p. 43, and § 85, p. 46.

Nugatory repentance of the Frankish pilgrims.

to the king of Hungary. The French division of the army expressed their contrition for the share they had taken in the sack of Zara, and offered, as the only atonement they could now make, the abandonment of their share of the spoils to the plundered citizens. But it required delicate management, on the one hand to counterwork the Venetians, who, the Pope foresaw, would abandon no part of the advantage that could be drawn from the helpless dependence of the crusading army, and, on the other, to prevent the dispersion of the whole force, and the abandonment of all hope of relieving the Christians of the East. He required the suppliants to subscribe individually an engagement to obey his command in all things; to make such satisfaction to the Zarians as he should thereafter determine; and to observe religiously all such ordinances as he might publish for the regulation of their future movements. The French party acceded to these terms, and transmitted the required certificates to the pontiff, who thereupon absolved them from the anathema, and gave them leave still to coöperate with the impenitent Venetians for the purposes of the holy war. The latter had by this time secured the first-fruits of their cunning policy; the whole of the passage-money had been discharged, and the city and territory of Zara reannexed to the republic. The restitution stipulated for was out of the question; and the pilgrims were still as dependent as ever upon the Venetians for their conveyance to their destination.[b]

Further diversion of the crusade, &c.

But this was not all the profit which the aged doge Henrico Dandolo proposed to draw from the gallant bands whom he had lured into his nets. The emperor Isaac Angelus of Constantinople had been deposed by his brother, the then reigning autocrat.[c] But Alexius, son of the former, had escaped the hands of the imbecile tyrant, and was now a suppliant in the camp of the crusaders. Supported by the whole influence and eloquence of the doge, he succeeded in persuading the great body of the army that this was the time to secure to themselves a safe basis of operations

[b] *Gesta*, &c. § 87, p. 47.

[c] A.D. 1195.

against the infidels of the East. By possessing themselves of Constantinople, and the restoration of the deposed Emperor, they would acquire a fabulous amount of wealth, and be enabled to prosecute the sacred enterprise under advantages never before enjoyed by any Christian army.[d] Against the strongest remonstrances of the French leaders, these temptations prevailed. Any further resistance on the part of the dissentients would have broken up the whole expedition, and dissipated every prospect of accomplishing their vows for the deliverance of the Holy Land. On the other side, the restoration of the legitimate emperor might be made to appear as the surest, though not the most direct, road to the successful prosecution of the crusade. Under these impressions all further remonstrance was abandoned, and the combined forces appeared before the walls of Constantinople, animated by the heroic spirit of their veteran leader, the doge Henrico Dandolo. But the result concerns our narrative no further than as it affected the plans of pope Innocent III. Suffice it to state, that Constantinople passed into the hands of the Franks; the infirm and blinded emperor Isaac was restored to the throne, and the compact with his son Alexius was solemnly ratified within the walls of the metropolis.

Capture of Constantinople.

In the interval between the departure of the army from Zara and the capture of the city the Pope had given elaborate instructions to the French leaders how to deal with the refractory Venetians. Inasmuch as it was of the utmost importance to hold them to their bargain till the army was safely landed in Egypt or Palestine, the Pope for the present approved of coöperation and association with those spiritual outlaws; but this they were to do "with grief of spirit, and in the fervent hope of their eventual repentance." As to the Greeks, if they should refuse to

Instructions of the Pope to the army.

[d] Alexius promised 100,000 marks of gold to the Venetians; the same sum to the Franks, with provisions for the whole force. He was to furnish 10,000 men for one year, for the conquest of Egypt, and to maintain 500 men-at-arms for the term of his life, for service in Syria. More than all, he promised to bring his church and empire under spiritual subjection to the Pope of Rome.

supply them with the necessary provisions, he authorised them to take what they might want, engaging to pay for them at some future time; but he strictly prohibited all plundering, and even forced requisitions were only to be justifiable under pressure of the utmost necessity. Above every other consideration, he inculcated extreme caution in their behaviour to the Venetians—"let them," he said, "dissimulate, and bear many things, until they should arrive at their destination; after which it would be their duty, by every means and on every occasion, to reprehend and discountenance the iniquities of their associates."[e]

Capture of Constantinople; how treated by the Pope; proviso.

The news of a second and more flagrant departure from their engagements by the crusaders was received by the Pope with becoming indignation. "Scarcely," said he, "had they testified their repentance of their first transgression, than they had hastened to commit a still greater; they had but just cast out one devil, when they hastened to take unto themselves nine others worse than the first; they had returned like dogs to their vomit; their repentance had been a fraud and a cheat; nor were they to imagine that because the Greek emperor was in schism, or because he had put out the eyes of his brother and usurped his throne, they were justified in invading and plundering his subjects. They were no judges of such matters; much less had they any right to make them a pretext for deserting their duty to their Saviour. Finally, if they should permit themselves to be further led astray by the Venetians, they would infallibly be smitten with the like censures; *unless, indeed, the Emperor should throw obstacles in the way of the prosecution of the crusade, or any other just and legitimate cause of hostilities should occur.*"[f]

Effect of the proviso.

This saving clause, in truth, furnished a plausible justification of the proceedings of the crusading army up to this point of time. It was certain that every obstacle to the supply of the troops would be thrown in their way by the usurper, and that such re-

[e] *Gesta*, &c. § 87, p. 47. [f] *Ibid.* § 89, p. 50.

fusal would at once introduce a state of war, and afford a "legitimate" cause of hostilities. The Pope could not but know that government aid was essential to the maintenance of so large a force, and common sense pointed out that a surer source of supply must be provided than could be expected from forced requisitions; a system which, in such hands, could at the best result in that systematic plunder he did not himself object to in case of absolute necessity.

Absolution of the Venetians.

Within a few months of the date of this equivocal monition, the Pope was informed by his legate Peter, who had accompanied the fleet from Corfu, that the doge of Venice and his people had humbly sued for pardon, and had accompanied their petition by a circumstantial narrative of the revolution at Constantinople, and the restoration of the emperor Isaac upon terms advantageous to the prosecution of the crusade, and opening a sure prospect of the reunion of the schismatic Greeks with the Catholic communion and the Holy See. The legate added that, upon receipt of this petition, he had despatched the bishop of Nicosia to grant the absolution asked for; "preferring," as he said, "to win back the truants (the Venetians) to the fold of the Church as cripples, rather than as corpses;" but chiefly because he thought that their bad example might endanger the brighter prospects now opening to the expedition.[g]

Second revolution in Constantinople.

Presuming the reader to be familiar with the lively narrative of this revolution in the pages of Gibbon, or, it may be, in those of M. Raumer,[h] we pass over all details not immediately connected with the policy of pope Innocent III. It is sufficient to observe in this place that little time was required to convince the restored Emperor and his son of their inability to perform their promises to the crusaders. The payment of the subsidies agreed upon was postponed from month to month, till the patience of the craving adventurers was exhausted. The exertions of

[g] *Gesta*, &c. § 90, p. 51. vol. iii. book vi. c. 7.
[h] Decline and Fall, c. lx.; Hohenst.

the government to raise the sums required produced discontent among all classes of subjects, and these were stimulated into hatred by the apostasy of the emperors from the orthodox faith of the Greek Church. Clergy and people joined in rejecting the heretical communion of the Latins; and it became evident that the restored dynasty must stand or fall with their Frankish allies. The latter accordingly consented to prolong their sojourn at Constantinople for a period of six months, though upon terms which added to the already overwhelming difficulties of the government. Notwithstanding every precaution, frequent broils and skirmishes, sometimes attended with bloodshed, occurred between the incensed populace and the foreign soldiery, in the course of which a portion of the city was plundered and burnt to the ground. These excesses dissipated the last hope of the Emperor and his son of satisfying and dismissing their dangerous guests. The Franks became day by day more clamorous for the payment of the subsidies, it must by this time have been manifest to all men that the princes were no longer in a condition to extort from their ruined and insulted subjects. The complication of affairs was increased by discord between the imbecile Isaac and his son; and a general and wholly unexpected insurrection of the people closed the gates of the city to the strangers encamped under its walls, and raised Alexius Ducas, surnamed Murzuflos, to the throne. The younger emperor Alexius was thrown into a dungeon, where he was soon afterwards strangled by order of the usurper. The senior emperor Isaac died of grief and terror; and every hope the Franks had founded upon their late successes had passed away like a dream.

Elevation of Murzuflos.

It must be admitted that under such circumstances no alternative remained to the crusaders, but either to sail away direct for Palestine, or a second time to make themselves masters of the capital, and take the government into their own hands. Their choice was soon made. It was resolved at all hazards to recapture the city, to transfer the crown of the empire to a Latin prince, and to put an

Second capture of Constantinople.

end to the scandalous schism that had hitherto divided Christendom, by reconciling the Greek churches with the head of Catholic Christianity. No easy task lay before them. Murzuflos displayed both intelligence and energy in the defence of the walls; but no inducements could kindle the enduring fire of patriotism in the excitable but radically cowardly spirits of the Greeks. A first assault of the Franks was beaten off; a second proved successful; a further portion of the city was destroyed by fire, and every article of portable wealth was collected and divided among the captors. Works of art, ancient paintings, statues, rich mosaics, the remains of antique civilisation, were ruthlessly destroyed; the churches were desecrated with every insult that suggested itself to the fanatical spirit of the insolent barbarians, or that might inflict the most deadly wounds upon the religious traditions of the people. But these resentments—the bitterest and most enduring of human passions—were for the present absorbed in a sense of utter dejection and misery; and the vanquished citizens beheld, without an audible murmur, the instalment of Baldwin earl of Flanders on the ancient throne of the East by the unanimous suffrages of their enemies.[1]

Baldwin emperor.

The resolution of the allies to change the dynasty had been preceded by a careful division of the expected spoil. A formal deed had been executed by both parties, assigning one-fourth of the whole territory to the Venetians as an independent possession; the other three parts to be shared by the Franks as vassals of the empire, and on the usual terms of feudal tenure. All the plunder that might fall into the hands of the captors to be brought into a common fund, divisible into four parts—one part to go in liquidation of the contract debt still due from the deceased emperors, the other three parts to be shared equally between the Venetians and the Franks: *as to the clergy of both churches, so much of their possessions and endowments as should suffice for their honourable maintenance was to be reserved to them; all the residue to*

Deed of partition between Venetians and Franks.

[1] Baldwin was crowned in the church of St. Sophia on the 23d May 1204.

be shared in like form and manner as had been determined respecting the other divisible estate. The document concluded with an engagement binding all the parties to stand by each other for one whole year from that 12th day of March 1204, for the defence of the Emperor and empire; and, as they chose to word it, "for the honour of God and the holy Roman Church."

Baldwin's report and petition to the Pope.

Soon after the capture of Constantinople and the election of Baldwin, the new Emperor wrote the Pope a highly-coloured account of the transaction, and of the motives which had induced the army to put an end to the existing state of things, and to take the government of the empire into their own hands. He excused the excesses committed by the troops on the ground of the utter faithlessness and treachery of the Greeks, who, by their own falsehoods, defalcations and deceit, had brought these calamities upon themselves. The hatred of the Greeks for the Latin communion he described as an insuperable obstacle to any kind of agreement with Murzuflos or his party; the intruder had, in fact, opened negotiations for peace and pardon with the chiefs of the army; he had listened with patience even to the most humiliating conditions; but that when the union of the two churches was proposed, he had declared, in a burst of uncontrollable rage, that "he would sooner sacrifice crown and life together than suffer the Greek Church to fall into servitude under a Latin priest." Baldwin described, in glowing language, the manifold advantages which must result to the affairs of the Holy Land by the transfer of the imperial crown to the Latins; the defenders of Palestine would, by that great event, be delivered from all the impediments which the Greek emperors and their subjects had, for ages past, industriously thrown in the way of the soldiers of the cross—from all the vexations endured by the Latin pilgrims; and from the aid furtively extended to the infidel enemy. "For, in truth," he said, "the Greeks hate the very name of the prince of the apostles, nor would they yield a single church even to him who had received from the Lord himself the principality over all

churches; . . . the Latins were to them as rabid dogs, whose blood it was a merit rather than a crime to shed." For such heresies, and other crimes too numerous for mention, they had drawn down God's wrath on their own heads, and He had delivered their land—a land overflowing with all good things, abounding in corn, wine, oil, fruit-trees, woods and rivers, a land to which there was none on earth comparable for salubrity and amenity of climate and temperature—into the hands of the armies of the cross. He vaunted the devotion of the confederates to the Holy See, and besought the Pope to take the whole glory of this great success to himself; to assume the command of their future movements, and, by his countenance and exhortations, to excite persons of all conditions to avail themselves of the golden opportunity to seize upon the boundless wealth, both temporal and spiritual, which was now offered to all who should seek it, in a land flowing with milk and honey, and under the patronage of a prince who possessed the means and the will to pour down in rich measure all these benefits upon them. "Behold," he said in conclusion, "behold, most holy father, now is the appointed time, now is the day of salvation: the Lord is manifestly intent upon the reign of peace on earth, in that He hath placed your enemies under your feet: sound, we beseech you, the sacerdotal trumpet in Sion; call together the congregation of the people; unite the companies of the old and the young; sanctify the acceptable day of the Lord, the day of the establishment of peace and unity, for the confirmation of our trust in Him, that He will, by your hand, exterminate all His enemies, and subjugate every power on earth which shall raise its head against the Lord and His Anointed."[j]

Previous misgivings of the Pope.

This address, no doubt, struck the right chord in the ear and heart of Innocent. But while the revolution was still in progress he had placed little or no reliance on the promises and professions either of the emperor Alexius or the crusaders themselves. The former, indeed, while a suppliant for his support, had

j *Gesta*, &c. § 91, p. 52.

taken an oath to pay all that honour and obedience to the Holy See which, as the Pope somewhat apocryphally alleged, "his predecessors the Catholic emperors had from all time paid to his own predecessors the popes of the Holy See."[k] But no man knew better than Innocent himself the precarious nature of the security to be obtained by making the sovereign responsible for the submission of subjects in a state of chronic religious dissent. It was, therefore, to the Franks alone that he had to look for the permanence of the ecclesiastical revolution. But here again the frequent and capricious disobedience of these, his most trusted spiritual vassals, held out but a sorry prospect either of the deliverance of the Holy Land or the ultimate conversion of the Greeks to the faith of Rome. They had, he told them frankly, up to that moment taken no effectual step to assure him of the submission of the Emperor since his restoration. What he had promised before *that* might or might not have been honestly meant, but since then he had received no notification from him of his future measures or intentions for bringing back his schismatic subjects to the "one fold of the one shepherd." Until he should have obtained such security, he could put no confidence in his sincerity, nor in the professions of the crusaders themselves, whom he held responsible for the acts of the prince whom they had placed on the throne.[l]

Exultation of Innocent III.

But the news of the second capture of Constantinople, and the election of a Latin emperor and patriarch, appears, for the moment at least, to have wiped all the delinquencies of his spiritual clients from his memory. In a paroxysm of delight the pontiff congratulated the new Emperor on his accession. "He was more abundantly rejoiced to hear from his own mouth that he ascribed his astonishing success, not to

[k] "Juramento firmasti ut omnem devotionem nobis . . . impensuram quam antecessores tui imperatores *Catholici* prædictis . . . Romanis ponteficibus noscuntur antiquitus impendisse." The word "Catholici" is well put in; all who had refused the homage demanded were not "Catholici." Certainly the normal state of the Greek Church was widely different from that which these words would lead us to infer. *Raynald*, an. 1204, p. 173; *Epp. Inn. III.* lib. vi. p. 129.

[l] *Epp. Inn. III.* lib. vi. ep. 230, ap. *Rayn.* ubi sup. p. 174.

his own prowess, but to God and his earthly representative the Pope; that he (the Pope) had therefore resolved to spare no pains to defend and amplify his dignity, and had therefore determined to issue a general precept to all the clergy and laity residing in the East to give their best aid for the security and maintenance of the empire, as the best means for the rescue of the Holy Land from the hands of the infidels."[m] To the bishops and clergy of the crusading army he indulged in similar expressions of apostolic joy:[n] "The golden calves were broken in pieces; Israel had returned unto Judah; Samaria was converted unto Jerusalem; the abominable thing was cast out of the temple; men went up unto the Lord no longer at Dan or Bethel, but in Sion," &c. The misdeeds of his truant pupils are all clean forgotten and forgiven; the holy pontiff grasps with eager hand at a harvest he had not sown, and glories to take to himself the precious fruits of unredeemed promises and broken vows. He revels in the prospect of remodelling the whole structure of the apostate church which blasphemously denied the double procession of the Holy Ghost: he directed the clergy to provide the churches deserted by the schismatics with pastors of the Latin communion, and in all things to take care that the worship of God be conducted with due regard to the honour of the Holy See and the proper performance of the services and mysteries of religion.[o]

Petition of the Emperor and Venetians.

But as the whole series of events attending the Latin conquest gradually became known to him, many considerations tended to moderate his joyous anticipations. He had heard with disgust of the revolting excesses committed by the soldiery at the capture and sacking of the city. The fuller experience of the character of the instruments he had made use of saddened his spirits, and awakened

[m] *Epp. Inn. III.* lib. vii. ep. 173, ap. *Raynald*, ubi sup. p. 180.

[n] It would be hardly possible to render in English the singular metaphors in which the pontiff indulges in this, as in many other epistles; as, for instance, "Gratiarum actiones exsolvimus, et ei (Deo) labiorum nostrorum vitulos (!) immolamus," &c. But a friend reminds us that the pontiff may have been thinking of the words of Hosea, ch. xiv. ver. 2.

[o] *Epp. Inn. III.* lib. vii. ep. 164, ap. *Raynald*, ubi sup. p. 181.

serious apprehensions for the future success of his favourite projects. The emperor Baldwin had propitiated the Pope by sending him a large share of the plunder of the city, in the shape of a valuable assortment of jewelry, precious stones, vessels of gold and silver, crosses of the same metals, silken vestments, and a considerable sum of money.[p] But these presents did in no wise contribute to weaken his misgivings. And now a new cause of uneasiness arose from the maturer consideration of the terms of the compact for the division of the booty, more especially as they affected *the lands and endowments of the Church.* The new Emperor had followed up his narrative and memorial by an earnest request to the Pope to confirm the articles of the compact for the division of the conquered territories, entered into before the capture of the city. The doge Dandolo, in the name of the republic, apologised for the past, and seconded the petition of the Emperor.[q]

The Pope reproves the crusaders.

But by this time the Pope could take a more deliberate view of the true nature of the conquest, and its probable effect upon his plans. He passed in review the whole series of events, from the first sailing of the expedition; and he laid the result of his reflections before the markgrave of Monferrat, in a memorial so strikingly illustrative of the mode of thought and action of pope Innocent, that we cannot withhold it from the reader. He began by reminding him, and through him the chiefs of the armies of the cross, of all the transgressions they had committed from the day of their embarkation: they had turned aside from their duty to God and the Holy Land; they had forgotten their vows; they had preferred the acquisition of earthly riches to their eternal reward. To all these

[p] "Ingentia munera," says *Raynaldus*, an. 1204, § 23, p. 181, quoting *Epp. Inn. III.* lib. vii. ep. 174. The treasure, however, had been seized *in transitu* by certain Genoese pirates. The archbishop of Genoa was incontinently commanded to excommunicate and interdict the city, unless they restored the captured plunder. It is not probable that the captors ventured to retain their booty; yet the nature and description of the presents might serve to remind the pontiff of the transgressions of which they were the proofs and the trophies; if, indeed, their acceptance did not make him a participator and an accomplice of the misdeeds of the robbers themselves.

[q] *Epp. Inn. III.* lib. vii. ep. 201, ap. *Raynald*, an. 1204, § 2, p. 204.

offences they had added the far greater crimes of rapine and homicide, attended with every abomination of cruelty and unbridled lust; they had spared neither age nor sex; they had committed murders, adulteries, fornications, incests, in the sight of all men. Not satisfied with the plunder of public and private property, they had pillaged the churches, carried away the silver tables of the altars, robbed them of their crosses, images and relics, to the utter disgust of the Greeks, and the dishonour and disgrace of the true Church and the Holy See; and, to crown all, they had now stretched out their profane hands to seize upon the lands and endowments of the desecrated and impoverished churches. All these excesses had, with reason, caused the Greeks to hate them worse than dogs. "But," he continued, "you pretend that you acted all along by the advice of our legate. This excuse will not serve your turn; for you know quite well that such advice extended only to the restoration of the younger emperor, and that it was given with the single view to obtain the requisite supplies for the further prosecution of your primary duty: yet for all this we desire to pass no definitive judgment upon your doings; we acknowledge your right to take vengeance upon the Greeks for their manifold breaches of faith; we admit that you have been made the instruments of the divine visitation upon the headstrong and schismatic people, for their obstinate rejection of the true faith, and their refusal to lend a helping hand for the deliverance of the Holy Land. For this they have deservedly forfeited their name and place among the nations. It might, indeed, be our duty to punish you for the injuries done to your neighbours, if *they* can be called neighbours who refuse communion with you; but in this we might seem to be thwarting the divine dispensation for their just punishment; we do therefore earnestly exhort and command you, in the fear of the Lord and in the hope of His pardon for all your sins, *to hold and to defend the land* which, by the divine permission, you have conquered—governing the people in justice and mercy, preserving them in peace, and *bringing them into conformity with the Catholic Church;* but,

above all, we command you *that you restore all ecclesiastical estate and property to their right owners*, and make such compensation as may still be in your power for the robberies you have committed; and, lastly, that you do hasten to fulfil your vows for the redemption of the Holy Land."[r]

The Pope accepts his new position.

The upshot of these admonitions was, that the Pope had made up his mind to accept the state of things as it stood, and to make the best of it. The steed had, in fact, run away with his rider, and the latter could obviously do no better than keep a tight hand on him for the future. We cannot but admire the happy facility with which, without abandoning any point of importance to the pontifical authority, he had so adapted his measures to the existing state of things as to turn them to the best advantage on behalf of the two great objects he had in view. His disappointments were due to no deficiency of zeal or discernment, but to that over-estimate of his powers to control the course of human events, which lay not so much in the person as in the system of which he was the prophet and the organ. In the Greek revolution he had plausible ground for believing that he had secured a firm basis of operations against the infidels of Palestine, and a sure prospect of the reunion of the universal Church under his sceptre. It was now his duty to fortify the new empire by every aid, spiritual and temporal, he could cause to flow to it. With this

Edict on behalf of the Latins of Constantinople.

view, encyclical letters were written to all the Churches of Christendom, rehearsing in the language of triumph the successes of the true faith over the realm of schism and error; the divine retribution which had fallen upon the perjured generation of the Greeks; the beauty and fertility of the territory which "the Lord had given into the hands of His servants;" the fidelity and devotion of the newly-elected Emperor to the Holy See. That pious prince, he said, had petitioned him to send him devout clergy and laity, noble and non-noble, of every sex and condition in life, to immigrate into and settle in his empire, with the

[r] *Gesta*, &c. § 93, p. 56.

promise of ample maintenance and gratifications, according to their quality and merits. The Pope therefore earnestly exhorted all religious persons to hasten to avail themselves of the golden opportunity of acquiring both spiritual and temporal riches, by establishing the churches of the empire in devoted obedience to the Holy See, and by the ultimate overthrow of the barbarians who still polluted the land "where the Lord of Glory had vouchsafed to accomplish the great work of human salvation;" they that should obey this summons, to *enjoy all the usual temporal and spiritual privileges and immunities granted to those who took the cross direct to Palestine.*[s]

Difficulties of the Pope;

But difficulties and disappointments met the industrious pontiff at every step towards the accomplishment of his purposes. His legates in Palestine had hastily concluded a six years' truce with the Turks, and hurried to Constantinople to partake of the good things the new empire had to offer. They had not only carried away with them a great part of the remaining defenders of the Holy Land, but on their arrival had taken upon themselves to release from their vows many of the crusaders sojourning in the capital, waiting for a conveyance to Palestine. The Pope indignantly rebuked their presumption, and cancelled all their dispensations.[t] He was at the same time greatly scandalised by the proceeding of the Latins in filling up the vacant patriarchate. Without objecting to the person of the recently-elected Thomas Morosini, he denied the existence of any competent electoral body in that Church; no appointment of any such body had been made by the Pope or his legate; the Venetian clergy, to whom the election had been delegated, had no better right than the laity who appointed them to the office. "The fact," said Innocent, "was, that the appointment and ordination of a patriarch of Constantinople had from all time been *the special prerogative of the Holy See;* the gifts of grace and affection which the apostolic see had conferred upon the *Byzantine* Church, *in that she had exalted*

he claims the patronage of the patriarchate of Constantinople.

[s] *Gesta*, &c. § 94, p. 57. [t] *Ibid.* § 95, p. 58.

her into the rank of a patriarchal see, was sufficient proof of the powers of the chair of Peter to put the *last first* and the first last: thus the see of the ancient Byzantium, which had neither name nor place among the patriarchal churches, had been, *by the sole act and deed of the Roman Church*, exalted to that high station—raised, as it were, *out of the dust*, to rank with Alexandria and Antioch and Jerusalem." Yet, as it was not his intention to dissent from the general desire of the clergy and laity of the empire, he informed his correspondents that he had freely elected Morosini, and consecrated him with his own hand to the patriarchate.[u]

He declines to sanction the treaty of partition.

The Latins accepted the Pope's choice on his own terms: but still they importuned him for his sanction to the original convention for the partition of the conquered territories. Innocent, however, flatly refused the request. "Would you," said he, "have us to help you to lay hands on the sacred treasure of the temple?—to become your accomplice in sacrilege and robbery? Above all, would you have us to make your iniquity firm and fast by denouncing the anathema against undefined offences and unknown offenders?" It might have been foreseen that the provision for the appropriation of Church lands was unlikely to meet with approval at Rome. But the clause had by this time become an accomplished fact, and could no longer be struck out of the compact. The question apparently was allowed to sleep; but the convention itself never received the confirmation of the Holy See.

The Pope and the Venetians in the matter of the patriarchate.

Although Innocent III. uniformly spoke to the Churches in a tone intended to impress them with a due sense of his own spiritual omnipotence, it was not possible to express absolute servitude in language stronger than that he addressed to the newly-constituted Church of Constantinople. In all his communications with them he puts himself forward as the "God-man" of his own inaugural oration;[v] he creates a church out of nothing;

[u] Probably in the month of March 1205. The date in the *Gesta* is obscure. See § 98, p. 60.

[v] See ch. iii. of this Book, p. 369.

he puts the last first and the first last; he alone can unmake what he has once made; he alone can add to or take from his own creation: all this he does of his own mere motion, irrespectively of all opposing authority, right, or privilege. This great "non-obstante" clause was appended to every token of pontifical grace and favour; and when, under such terms as these, it is asked what was meant by the "liberties of the Church," we find that nothing more was intended than that sort of protection which the lord of the estate normally throws around a body of useful and profitable labourers—good and binding upon all but himself.[w] Yet it is to be observed that the Venetians took a different view of the relation of the new patriarch to the republic. Passing through his native city on his way to assume his new dignity, the senate took the liberty to remind him that he was still a subject of the republic, and that he would not be permitted to set up his spiritual privileges or obligations against his duties as a citizen. Before he was allowed to embark, he was compelled to give a promise in writing to observe the subsisting compact between the Venetians and their allies touching the division of territory; and to admit none but Venetians, or such persons as had resided at least ten years at Venice, to the canonries of his cathedral; in order that he might thereby, as far as in him lay, secure the election of a citizen of the republic at the next vacancy of the patriarchal chair. The Pope on the instant pronounced this promise, though secured by oath and autograph, to be altogether void. He commanded the new patriarch to cast his illicit engagement to the winds, warning him that his pardon for the offence he had committed in contracting it would depend upon his immediate renunciation of all obligation or action under it.[x]

Meanwhile dissensions and jealousies between the Venetians and Frankish clergy occasioned further appeals to the Pope. The papal legate refused to induct the new patriarch; Morosini excommunicated his opponents; and the Pope appointed

Indemnity to the clergy.

[w] Conf. generally *Gesta*, &c. § 90. [x] *Ibid.* § 98, p. 62.

a new manager at the court and church of Constantinople in the person of the cardinal Benedict of St. Susanna. It was soon discovered that the restoration of the sequestered church property was impracticable; and an arrangement of indemnity, founded on an equitable assessment of all kinds of property in the empire, was eventually submitted to.[y] This agreement was to stand in lieu of the rejected convention of 1204; the Latin and the Greek clergy were placed upon a level in the distribution of the substituted property; and all the ancient privileges and immunities of the churches—right of asylum, freedom from lay jurisdiction, &c.—were carefully reserved and provided for. Pope Innocent was now at liberty to enter with hands free upon the reorganisation of the Greek churches. He repressed the ambitious projects of the Venetian patriarch; he instructed him how to deal with refractory suffragans, and issued a variety of orders for reducing or adding to the number of episcopal sees; he directed him in all his appointments *to prefer Latins to Greeks*, and in all respects *to make the rule and order of the Roman Church* his guide as to function, and, if possible, as to ritual; but not to insist upon rigid conformity in the latter respect until he should receive further instructions from Rome. Residence was to be rigidly prescribed to the clergy; and the patriarch was empowered to give judgment without appeal in cases of tithes, and in many minor ecclesiastical causes.[z]

Reorganisation of the Greek Church.

Throughout these transactions the republic of Venice had been the great difficulty of pope Innocent III. Their insidious and selfish policy had thwarted all his efforts for the relief of the Holy Land; their lip-deep professions of loyalty to the Holy See never stood in the way of any project for the real or supposed advantage of the republic; the diversion of the armies of the crusade had been tainted at

Selfish policy of the Venetians;

[y] The particulars are stated at length in the *Gesta*, &c. § 101, p. 63. The deed was executed by all the parties on the 17th March 1206, and was confirmed by the Pope on the 5th August of the same year.

[z] *Gesta*, &c. § 102, pp. 63, 64.

every step with hypocrisy and fraud; and now that they had reaped all the benefits they could reasonably expect from the valour of their troops, or the wily policy of their chiefs, they had already determined to withdraw from the further defence of the house of cards they had helped to build up. The resentment of Innocent was deep and lasting. He peremptorily, and in the language of burning indignation, refused to confirm their appointment to the vacant archbishopric of Zara. "Though God," he said, "sometimes brings good out of evil, and had in this instance made them His instruments for the subjugation of the Greek schismatics, yet that dispensation formed no excuse for the turpitudes of the instruments themselves; so neither would he, acting in the place of God, give any manner of countenance to their evil deeds: the unrepented sin still lay on their souls, and the punishment hung over their guilty heads; nor would he now or ever show them any favour which might appear to the Christian world as a condonation of their crimes at Zara and elsewhere, until they should give unequivocal proofs of penitence and amendment."[a]

how rebuked by the Pope.

We refrain from following the fortunes of the Latin empire of Constantinople further than in the bearing of events in the East upon the interests and policy of pope Innocent. The unrestrained rapacity, cruelty, ambition, and craft of the conquerors tended, at the very outset, to neutralise the advantages their valour had achieved. The chiefs departed to take possession of the vast assignments of land which had fallen to their shares. Feebly supported by the aged doge Dandolo, and surrounded by disaffected subjects, the emperor Baldwin wantonly provoked a quarrel with the powerful king Calo-Johannes of Bulgaria, now in league with the exiled chiefs of the late dynasty. Thus supported, the King laid siege to Adrianople, and the great battle which took place under the walls of that city on the 5th of April 1205 ended in the total defeat of the Franks, the capture of the Emperor, and the death

Defeat and death of the emperor Baldwin.

[a] *Gesta*, &c. § 104, p. 66.

of some of the bravest of his Latin barons. Henry of Flanders, brother of the Emperor, wrote an account of this terrible disaster to the Pope, ascribing it to the dispersed state of the Latin forces, the revolt of the Greeks, and their treasonable[b] alliance with the Bulgarians. The result, however, he told the Pope, threatened the existence both of Church and empire, and must eventually put an end to all hope of reconquering the Holy Land, unless the pontiff and the kings and princes of Christendom should promptly stretch forth their hands to rescue the soldiers of the cross from the imminent perils surrounding them.[c]

Apology of Calo-Johannes to the Pope.

The Pope lost no time in admonishing his spiritual pupil Calo-Johannes to desist from his unholy enterprise. He threatened him with an immediate attack in front from a large Christian force about to rush to the support of the empire, and of the Hungarians in his rear; he commanded him without delay to treat with the captive Emperor for his release, and, pending the negotiations, to abstain from all further hostilities.[d] Calo-Johannes replied, that shortly after the capture of Constantinople by his enemies he had made proposals of peace and amity, and had been informed by them that there could be no peace between them and him as long as he retained possession of a hand's-breadth of the land belonging to the empire: to this insolent message he had replied, that what he possessed belonged to him by a better title than they could show to the empire they had usurped; that which *he* held had belonged to his ancestors, while *they* had invaded and taken possession of that which never could have belonged to them. He had, moreover, told them that he (the King) had received his crown from the hands of the supreme pontiff, whereas the person who called himself Emperor had of his own mere will and pleasure usurped a throne which belonged to another; he had, he affirmed, fought his battles under

[b] In that age no distinction was taken between government "de facto" and "de jure."

[c] *Gesta*, &c. § 105, p. 67.

[d] *Ibid.* § 107, p. 69.

the banner of the Holy See, the banner bearing on its ample field the cross and keys of St. Peter, and *this* in honourable war against men who fought *with sham crosses* on their breasts. God had given him the victory; a victory which he devoutly ascribed to the prince of the apostles and his spiritual father the Pope; and lastly, as to treating with the captive Emperor, he dryly added that it was now out of the question, inasmuch as he had recently died in his dungeon.[e]

Henry of Flanders emperor.

To this matter-of-fact reply the Pope could make no rejoinder. But the wise and forbearing policy of the regent Henry of Flanders, and, perhaps, the chapter of accidents, afforded a breathing-time to the distressed Franks of Constantinople. As soon as certain tidings of the death of Baldwin reached them, Henry was unanimously elected emperor, and in the following year Calo-Johannes was killed in action before Thessalonica, and his successor Boryllas was defeated by the Emperor in person. But better results than these arose from a more humane and liberal treatment of the Greeks. The new Emperor admitted them to places of trust and profit in the army and in the administration; he protected the Greek clergy from molestation, and restricted the Latins to their share in the emoluments granted to them by the charter of partition already adverted to: for the present it was thought expedient not to insist upon a formal diplomatic union of the two churches; that state of things being tacitly taken for granted, until a more advanced stage of political relation, and a firmer establishment of the Latin supremacy, should divest the further steps necessary for the completion of the union, of the dangers to which at that moment they might give rise.

His liberal policy.

Failures and disappointments of the Pope.

While the conquest of the Holy Land still floated before the sanguine imagination of pope Innocent he was unwilling to complicate his affairs in the East by provoking more enemies than he could contend with at once. Yet, on the whole, he could not but feel that his efforts in that quarter had

[e] *Gesta*, &c. § 108, p. 69.

been attended with no advantage that could compensate for his failures and disappointments. The immediate frustration of his designs upon Palestine and Egypt, and subsequently the necessity of leaving the great work of reunion in abeyance, might have made him drop his hands in despair, but for the conviction he always entertained that the failure of his plans was not to be imputed to any error on his own part, but solely to the radical imperfections of the instruments he had to work with. All his gains were so many proofs of the divine approbation, while all his losses were simply due to the sins of the reprobate generation with which he had to deal.[f] In his own view his position was that of never-ending conflict with the enemy of mankind; he firmly believed that in such a warfare he that bore before him the standard of St. Peter must be ultimately victorious,—that the black flag of perdition floated over the heads of his adversaries, and that any reverses he might sustain must in the end add to, rather than take from, the glory and honour of the Holy See.

State of Syria and the Holy Land.

It has been incidentally mentioned that the greedy haste of the defenders of Palestine to partake of the good things supposed to be in the gift of the Latin conquerors of Constantinople had in a great degree denuded that country of its protectors. The hold of the Christians upon the coast-lands of Palestine, and of some tracts of Syria, was still further endangered by the inveterate feuds and dissensions of the Latin princes and the military orders among one another.

Leo king of Armenia.

Leo, king of the Lesser Armenia, a region bordering to the north-eastward upon the Latin principality of Antioch, had recently turned over from a state of schism to the chair of Peter, and placed himself and his kingdom under the spiritual patronage of the Pope.[g] Two legates had been sent to receive his submission, and to perform the ceremony of a pontifical coronation, whereby, as Innocent took care to inform

[f] See peroration of his letter to the patriarch of Jerusalem, *Epp. Inn. III.* lib. xii. ep. 8, p. 303, and lib. xiii. ep. 123, p. 470.

[g] As far as the unsatisfactory state of the chronology of eastern affairs enables us to judge, about the year 1204 or 1205.

him, "*he acknowledged that the Roman Church was set over all the nations and kingdoms of the world*;" and that he was to regard the crown of the kingdom as the pledge of his future loyalty to Him who had delegated His powers to that church in the person of its supreme head, the Pope.[h]

Dissensions in Syria referred by appeal to the Pope.

The pontiff had conceived sanguine hopes that the conversion of the king of Armenia would turn out an important support to the Latins of Syria and the Holy Land. But these hopes were soon dissipated. The accession of the king of Armenia proved to be only the introduction of another element of discord into the counsels of the East. Leo put forward a claim to the principality of Antioch on behalf of his nephew, a grandson of the deceased prince. But his brother Raymund, count of Tripolis, with the aid of the knights of the Hospital and the Latin patriarch, took possession of the city, and held it against the assaults of the king of Armenia. Against this wrong Leo appealed to the Pope, and Innocent adopted the appeal as a matter strictly within his jurisdiction; but, until he should pronounce judgment, he ordered the parties to abstain from all further hostilities, and to make common cause against the enemies of the Cross. Legates were appointed to hear the appeal; and in token of esteem and affection for the new-born son of the Church, the Pope sent the King a consecrated banner, to be unfurled only against the enemies of the faith; granting at the same time that the Church of Armenia should be exempted from all spiritual jurisdiction but that of the Pope himself.[i]

[h] This communication contains a concise but impressive summary of the attributes of St. Peter's chair. We have the "Tu es Petrus," the "quodcunque ligaveris," the "fundamentum positum," the "super hanc petram," the "lapis angularis," &c. &c. The King was told that the acknowledgment implied in his coronation extended to the adoption of the whole *rule of faith and morals* of the Roman Church, and to the reception of all *her traditions, canons, decretals*, &c., without reserve. *Gesta*, &c. §§ 109, 110, p. 70.

[i] A favour of the same kind had, as we have seen, been conferred upon the king of Bulgaria. Pope Innocent suffered none of that ambiguity which had hitherto arisen from the confusion of the spiritual and political powers, to rest upon the claim of the papacy. He unequivocally assigned both kinds of power to the Holy See. His tone as universal monarch is clearly distinguishable from the voice of the Christian pastor addressing his flock.

Confusion of affairs in the East.

The legates whom the Pope had sent to hear the appeal found it impossible to bring the parties before them. The count of Tripolis, and his allies the Templars, objected that the question was not within the jurisdiction of the Pope. Upon this ground they disclaimed the pontifical arbitration, and dismissed his summoners. The King, who had done his best to testify his obedience, now claimed judgment against his contumacious opponents. But by this time the legates, weary of the delay, and anxious to join their comrades at Constantinople, had left the settlement of the dispute in the hands of a third person, who had been joined with them in the commission. For some inscrutable cause, the arbitrator, without apparent reason, chose to pronounce in favour of the very parties who had disclaimed his jurisdiction. The principality was awarded to Raymund of Tripolis, and sentence of excommunication was pronounced against the king of Armenia and his allies, for declining to accept the decision, and again appealing to the Pope for redress. The latter forthwith superseded the old commission, and appointed other arbitrators, with instructions, at whatever cost, to effect a truce between the litigants. The new legates met with rather better success than their predecessors. A suspension of hostilities was agreed upon. But in the mean time the count of Tripolis had thrown the Latin patriarch and his two nephews into prison, and, at the suggestion of the schismatic Greeks, had restored the patriarch of their persuasion to the see of Antioch.[j] The king of Armenia, upon some fresh provocation, had broken the truce, and committed destructive inroads upon the church and people of Antioch. To remedy these intolerable disorders, the indefatigable pontiff sent a fourth and a fifth legation to the East; instructing his representatives to spare no kind or severity of spiritual censures to check the insolence of the Armenians, and to bring all parties to book, for the reëstablishment of peace or truce, and the decision of the vexed questions which

[j] A.D. 1207.

stood in the way of every plan for the rescue of the Holy Land from the hands of the infidel.[k]

We have lingered no longer upon this portion of the history of Innocent III. than was necessary to bring his actions into harmony with his professions. As to the *principle* of his interference in the quarrels of the degenerate crusaders, we are left in no manner of doubt. He admonished, threatened, and punished all parties alike, upon the sole authority of the Holy See, without distinction of secular or spiritual cause. As far as verbal submission might contribute to confirm his power, he had, upon the whole, little reason to complain. But while the means of thwarting his measures or evading his orders were at the command of the feeblest of his spiritual subjects, he was necessarily exposed to frequent disappointments and failures. While it is easier to evade an obnoxious command, men are generally prudent enough not to involve themselves in disputes about principles, or to endanger their position by an open conflict with prevailing prepossessions. No preceding pontiff had felt this inconvenience more acutely than Innocent III. Yet it was no small gain to have accustomed the nations to listen to the trumpet-voice of Rome with awe and deference. He had, in fact, invested himself with many of the most effective attributes of leader and chief of all political and ecclesiastical action. In dealing with a rude and vulgar generation, he had resorted to the only weapons likely to make an impression on the tough and coarse materials he had to work upon. The heavy axe and mallet were preferred to the polished steel; and although the shifts and dodges of the worldlings frequently eluded his blows, the submission of one trembling truant among the number was a sufficient compensation for the escape of a dozen others whom, for the moment, his arm could not reach.

Principle of Innocent III.; how far successful.

[k] *Gesta*, &c. §§ 116 to 119, pp. 74 to 78. *Epp. Inn III.* lib. x. ep. 130 (A.D. 1207); lib. xi. ep. 9, p. 142 (A.D. 1208); lib. xii. ep. 8, p. 303; lib. xiii. ep. 123, p. 470 (A.D 1209); lib. xvi. ep. 2, p. 734 (A.D. 1209).

Issue of the Pope's efforts in the East.

In concluding this portion of our subject, we may notice that the spasmodic attempts of pope Innocent III. to render his spiritual powers subservient to the restoration of unity among the defenders of the cross remained without result. The spirit of discord reigned triumphant over the voice of conscience and duty: Templars, Hospitallers, clergy, laity, Venetians, Genoese, Pisans, fought, persecuted, and cursed one another with unrelenting animosity. Nothing saved the worthless remnants of the several preceding crusades from destruction but a similar state of political confusion among their adversaries. Saladdin had set aside the family of Nureddin. Adel had expelled the sons of Saladdin; the like feud between the sons of Adel perpetuated this state of things, and left the Christians of the East for some time longer to indulge their mutual animosities and to forget their vows at their leisure.

Foreign churches.

Some incidents connected with other foreign churches within the first half of the reign of Innocent III. may find a place at the close of this chapter.

Peter of Aragon crowned by the Pope.

In the month of November 1204, Peter king of Aragon made a solemn pilgrimage to Rome; and, after visiting the holy places, humbly petitioned the Pope to honour him with the ceremonies of a pontifical coronation. Such an opportunity could not be allowed to pass unimproved. Peter was solemnly invested with all the symbols of royalty in the church of St. Pancratius Trans-Tiberim, and afterwards crowned and anointed king of Aragon by the Pope in person.[1] But, lest the ceremony should appear to imply no more than a simple consecration of the person to the office, Innocent so varied the ceremonies as that the act of coronation should take the shape of *a new grant* moving wholly from the Holy See, without reference to any

[1] The ceremony is thus described in the *Gesta*, &c. § 120, p. 73. He was first knighted by the Pope, who begirt him with the military sword and belt. He then anointed and crowned him, after which he delivered to him successively the "colobium" or royal mantle, the sceptre, the globe of empire, the diadem, and the mitre.

prior ceremony or title of the like kind. The new king was made to swear fidelity to the Pope for himself, his heirs, and successors for ever; to be devoutly obedient to the commands of the Holy See; to defend the Catholic faith, to persecute all heretics and to exterminate heresy, and to protect the liberties of the Church. After the ceremony of the coronation he was conducted to the church of St. Peter, and there made to deposit, piece by piece, the crown, sceptre, and other insignia of royalty upon the altar, receiving at the same time, from the hands of the Pope, the sword of knighthood, thereby dedicating himself and his kingdom to the service of the prince of the apostles, and acknowledging the supremacy of the Holy See by engaging to pay an annual tribute of 250 sequins in token of the special fealty springing from the *pontifical grant*.[m] At the request of the King, a dispensation from crossing the sea at the commencement of each new reign was granted, and permission given that the kings of Aragon in future should be crowned and anointed at Saragossa by the archbishop of Tarragona, as the representative of the sovereign pontiff; but with strict reservation of the tribute, the oath of fealty, and the obligation of obedience. By these provisions the title to the crown of Aragon was shifted from the basis of hereditary right to a conditional dependence upon the grace and favour of the Holy See. It assumed the character of a new grant, conferring a different authority, and resting upon a new principle. Peter of Aragon came to Rome an hereditary king; he returned a feudal prince, pledged to the ordinary duties of a vassal to his superior. The King himself had little notion of the change in his position: he probably meant nothing beyond the display of dutiful attachment to his spiritual father, and the obtaining of that kind of additional security to his crown which the consecration of his person to the office was, in that age, supposed to confer. For this service he was disposed to pay high, and perhaps to think lightly—if at all—of obligations which the imposer had no physical means of

Effect of the coronation.

[m] "Regalis concessio"—as moving from the Holy See.

enforcing. But something was still gained by such public demonstrations towards the establishment of the principle that the title of princes to their dignities was simply inchoate and incomplete until the pontiff of Rome was made a party to the act; thus furnishing him with a right to annex such conditions as should secure a sort of vested right of interference on all occasions where the interests of the Holy See might require it.[n]

The Scandinavian churches.

There is an openness and candour in pope Innocent's declarations of prerogative which in a more refined age would sound like insolence; but with all this his tone contrasts advantageously with the shifty and inconsequent apologies of his opponents. He had over and over again insisted that the one great virtue required at their hands was *obedience;* and only in few instances[o] was the principle ever repelled: it was not even fairly apprehended by his spiritual subjects—certainly not in the latitude he himself understood it.[p] His correspondence with the churches of the north of Europe is wonderfully clear upon the duty due to the chair of Peter by all who owned its jurisdiction. In the year 1184

Norway.

Svirrer, a renegade priest, had slain king Magnus of Norway in battle; and, after a period, in which he displayed great abilities both in war and government, had compelled the bishops of the kingdom to confer upon him the crown with all the accustomed rites. But in order to obtain that privilege he was charged with having counterfeited certain papal bulls, especially one from pope Cœlestine III., granting him a plenary absolution from his vows as a priest, and sanctioning his assumption of the crown. Such crimes could not go unpunished; and the primate of Norway with the king of Denmark were deputed to do justice on the delinquent. The commissioners were commanded to ex-

[n] The term "beneficium," which Hadrian IV. had explained away at the indignant remonstrance of the emperor Frederic I., was on all occasions textually adopted by Innocent III. The *terms* of a genuine "beneficium" were always imposed by him, and that with the same intent as it was understood by the Emperor to convey. Conf. Book xii. c. 3, p. 85 of this work.

[o] By the Hohenstauffen emperors and the Albigensian heretics.

[p] See his wonderful exposition of the meaning of the word in his epistle to the bishop of Schalholt, in Iceland. *Epp. Inn. III.* lib. i. ep. 320, p. 178.

communicate all his adherents, and to place all towns or cities that gave him shelter under the strictest interdict. He rebuked the bishop of Schalholt, in Iceland, for permitting his clergy to communicate with the "accursed" apostate, and commanded him to go out to battle against the usurper and his accomplices, until he should have utterly rooted out and destroyed them.[q]

Sweden and Denmark.

The bishops of Sweden and Denmark had drawn the attention of the Pope to certain irregularities in their churches. Heathen practices were still permitted to disfigure their services; confession was neglected; and illicit marriages compounded for by money-payments to the clergy. The pontiff accordingly directed the prelates and clergy to restore the ancient practice of compulsory confession, and penitential satisfaction for all past transgressions of this nature.[r] Absalom, archbishop of Lund, as metropolitan of the Scandinavian churches, complained of frequent invasions of church-estate by the laity, owing to the loose mode of conveyance or dedication, which left endowments open to frequent dispute and spoliation.[s] The Pope replied by imparting to the metropolitan the most ample powers to protect his clergy from all such intrusions, confirming him at the same time in all the rights of the primacy, especially that of ordaining all bishops within his province, *saving always* his fidelity to the Roman Church.[t]

Poland.

In Poland the archbishop of Gnesen was censured for neglecting to draw the spiritual sword in favour of duke Boleslas, who, in the judgment of the Pope, had been ill-treated by his subjects. The duke was a favourite of the Holy See—one of the Pope's *emeriti*, "who had fulfilled his whole duty" to the Roman

[q] *Epp. Inn. III.* lib. i. ep. 320, 321, p. 178. See also ep. 382, 383, pp. 226, 227. Conf. *Dahlmann*, Gesch. v. Dänemark, vol. ii. p. 166.

[r] *Epp. Inn. III.* lib. i. ep. 420, p. 247.

[s] The only mode of passing land known to the Scandinavians was that known in our law as "livery of seizin." A sod, or a rod cut from a tree or shrub growing on the land, was handed to the purchaser before witnesses. Death-bed and donations "pro salute animæ" were conveyed in the same way; that is, by mere delivery, without deed in writing. *Epp. Inn. III.* ep. 422, p. 248.

[t] The saving clause appended to every charter of privilege granted by Rome enabled the Holy See to set it aside wholly or in part, or at any time when it might be convenient to withdraw it. *Epp. Inn. III.* ep. 419, p. 246.

Church, consequently entitled to draw upon the pontifical arsenals for those spiritual weapons that might be of use for the protection of his political interests. The words conveying this privilege are remarkable: "Inasmuch," said Innocent, "as it has pleased Almighty God to raise us (the Pope) to the altitude of *supreme dispenser of justice and vindicator of the rights of all men*, we have by our legates commanded the archbishop strictly to prohibit all the Polish chiefs from injuring or molesting the duke, either in his person, his present possessions, or such as he may in future acquire. This command the archbishop is ordered to put in execution throughout all the dioceses of his province, and to enforce it by the freest use of the spiritual weapons intrusted to him for that purpose."[u]

The "emeriti" of the Roman Church; their privileges.

King Emerich of Hungary was another of those princes whom Innocent regarded as meritorious clients of the Holy See, and in that character deserving of the like special protection. The King and his principal chiefs had taken the cross, but an insurrection of his subjects prevented him from quitting the country; and, upon his petition, the Pope not only graciously dispensed him from the immediate fulfilment of his vows, but granted the like relaxation to twenty of his principal barons, permitting them to remain at home for the support of his throne against his brother Andrew, then in rebellion against him. At the same time he ordered the latter to lay down his arms, on penalty of excommunication and interdict against himself, and his clients, their lands, territories, and subjects.[v]

Hungary; indulgence to king Emerich.

[u] *Epp. Inn. III.* lib. i. ep. 43, p. 24. N.B. The quarrel between Boleslas and his subjects was purely political. Conf. *Röpell*, Gesch. v. Polen, vol. i. pp. 398 et sqq.; and *Hurter's* Inn. III. vol. ii. p. 138.

[v] *Epp. Inn. III.* ep. 270, p. 140; and ep. 271, p. 141.

CHAPTER VI.

INNOCENT III. IN THE CIVIL WARS OF GERMANY.

Principle of the government of Pope Innocent III.—The ransom of Richard I. of England—France and England—Duke Philip of Swabia—Rejection of the claims of Frederic II.—Adverse elections of Philip and Otto—Richard I. in the cause of Otto—Philip Augustus of France in the cause of Philip of Swabia—Philip of Swabia to the Pope—Dispositions of Innocent III. as to the claims of Otto—Release of the Queen and family of Tancred—Candidates and their partisans place themselves in the hands of the Pope—Innocent resents the election of Leopold to the archbishopric of Maintz—Adjudication of the Pope on the claims of Philip and Otto—he decides against Philip—decides in favour of Otto—Innocent III. takes the election into his own hands—Innocent III. on the adoption of Otto—Papal legates in France and Germany—Remonstrance of the estates of Germany—Insolent apology of Innocent III.—Character of the apology—Remonstrance of King Philip Augustus—Reply of the Pope—Measures of the Pope for reducing the German prelates to obedience—Oath of Otto IV.—Legal nature of the promised cessions—Decline of King Philip's affairs: attempts at negotiation with Rome—The Pope complains of forgeries and false reports—Exertions of Innocent III. on behalf of King Otto IV.—Innocent III. to the Italians—Supineness of the estates of Germany in the cause of Otto IV.—Extorted oaths and promises; their nature—Turn of fortune: Philip in the ascendant—Indignation of Innocent III.—Approaches of Philip to the Pope—Innocent feels his way to an accommodation with Philip—He absolves Philip, and negotiates a truce—Murder of King Philip—Innocent on the crisis in Germany: proclamation of Otto IV.—The Pope's admonition to Otto—Otto acknowledges his obligations to the Pope—Otto marches into Italy—Proposed coronation—Oath—Reception of Otto in Italy—Alarm of the Pope and the Romans—The Emperor breaks his oath—Conflicting oaths—Otto disregards the menaces of the Pope—Innocent threatens him with the fate of Nebuchadnezzar, &c.—Indifference of Otto to the papal thunders—Otto invades Apulia against the prohibition of the Pope—The Emperor's treasons to the Church denounced—Innocent excommunicates Otto IV., and absolves his subjects, &c.—Effect of the sentence: perplexity of the Pope—Frederic II.—Last attempt of the Pope to reclaim the Emperor—Insurrection in Germany—Invitation of the Germans to Frederick II.—Success and sudden reverses of Otto IV.—Innocent III. transfers his patronage to Frederic of Sicily—General policy of the Pope—Frederic II. sets off for Germany—His arrival and recognition as King of the Romans—He confirms the engagements of Otto IV. to the Holy See—Great council at Eger—Character and legal effect of the charter of Frederic II. to the Holy See—Scheme of separation of the crowns of Germany and Sicily—Abdication of the kingdom of Sicily by Frederic II. in favour of his

son—Final ruin of Otto IV.—Battle of Bouvines—The cause of Otto IV. discussed and decided at the great council of the Lateran, A.D. 1215—Gains of Innocent III.

Reverting to the first years of the pontificate of Innocent III., we take leave at the outset to remind the reader of the ruling principle of his government. Regarding the right of kings as a power derived from the Church, he proclaimed himself the sovereign director of their policy, in all its relations to the ecclesiastical body, and in all its tendencies to promote or impede the consolidation of the sacerdotal power. He declared it to be the supreme duty of all the princes of the world to work together for "the honour and glory of the holy Roman See;" he, on his part, undertaking to protect them in the enjoyment of their just rights, and to act as mediator in their disputes; and all this with a view to bring the government of the world into harmony with the laws of the Church; or — as those laws stood in his mind, disguise it as he might—with his own arbitrary will. Notwithstanding his frequent appeals to the canons, he appears to have regarded them rather as *directory* than as imperative precepts, and to have shaped his measures more with a view to the material advantages of his see, as they presented themselves, than to a consistent course of legal government.[a]

Principle of the government of pope Innocent III.

Almost his first undertaking after his accession was the recovery of the sums extorted from Richard I. of England, as his ransom from captivity. As the acknowledged judge and warrantor of the privileges of the soldiers of the cross, his right of interference was unquestionable. He commanded the duke Philip of Swabia, into whose hands the treasures of the deceased emperor Henry VI. had fallen, to refund the ransom to the uttermost farthing.

The ransom of Richard I. of England.

[a] His appeals to the canons are always of the vaguest and most general character. We do not recollect an instance of his putting his finger upon any specific canon, so as to enable us to determine its applicability to the matter in hand. His expressions almost uniformly are such as the following: "according to the canons," "the sanctions of the fathers determine," &c., without affording any means of verifying the appeal.

The king of Navarre was at the same time ordered to restore the castles he had seized in Richard's absence; and king Philip Augustus of France was threatened with the vengeance of the Church for his faithless invasions of the dominions of the captive champion of the cross.[b]

But a greater interest than the mere demands of justice tended to assuage the pontifical wrath against the principal offender. It was obvious that as long as the two crowns of France and England remained in a state of chronic hostility, no revival of the crusade for the deliverance of the Holy Land—an enterprise upon which the Pope had set his heart—could be attempted. Under the mediation of Innocent a truce was patched up between the two kings; but at this juncture the disturbances in Germany, consequent upon the death of Henry VI., again set them at variance and added fresh fuel to their mutual animosity. France and England

After an ineffectual attempt to obtain the custody of his infant nephew, Frederic of Sicily, duke Philip of Swabia retired into Germany, and possessed himself of the treasures of his late brother, together with the *regalia*, or sacred symbols of empire. With these important pledges in his hands, he declared himself regent of the realm during the nonage of the infant prince; who, it will be remembered, had been, at the instance of the emperor Henry VI., elected and crowned King of the Romans when as yet only two years of age. But the sudden relaxation of the stern pressure which, during the two preceding reigns, had kept down the turbulent spirit of the German aristocracy, at once let loose all the elements of mischief which attend upon feudal misgovernment and numberless territorial divisions and jurisdictions. Relieved from the despotic police of an itinerant court, and an ever-present avenger of wrong, each castellated chieftain issued from his hill-tower to harass and plunder his neighbours; to levy blackmail upon the passing Duke Philip of Swabia.

[b] *Epp. Inn. III.* lib. i. ep. 230, p. 121; ep. 236, p. 126; ep. 242, p. 148. And conf. *Raynald*, Ann. Eccles. an. 1198, § 49, pp. 20, 21.

chapman; to extort exorbitant tolls upon the highways and navigable rivers; and to gratify his brutal lusts upon the wives and daughters of the peasant and the citizen. It was obvious to all men that the feeble arm of an infant was incapable of struggling against such a mass of mischief. It was hardly less manifest that a regency, exposed to the caprices of faction, and unsupported by public law,[c] could not long hold the balance against a proud and irritable aristocracy, whose boast it was to own no superior but God and the emperor of their choice. Accordingly the pretensions of the crowned and anointed infant Frederic, though grounded on the oaths and allegiance of the constituency, fell out of the view of all parties. The estates of Germany frankly renounced their engagements to the son of the late Emperor; alleging as sufficient reasons, "that at the time of his coronation he was not even a baptised Christian, and therefore not of capacity to take upon him any office or duty whatever—that he was in fact a nullity[d] in the world: moreover that the election itself was void, on the ground that it was obtained by undue influence and intimidation on the part of the late Emperor: finally, that the well-being of the state required the presence of a resident and capable sovereign, who should take his place in a strong and dignified attitude at the head of the princes of the empire."[e]

Rejection of the claims of Frederic II.

But in this state of things the hereditary rivalry of the Saxon and Swabian parties stepped in to prevent a legitimate election. The party animosities were at the same time stirred up and fed by the mischievous interference of Richard I. of England and Philip Augustus of France. The de-

Adverse elections of Philip and Otto.

[c] In the Germanic constitution there was no specific or customary provision for a regency during the minority of the sovereign. Though Henry IV. had been placed under the tuition of his mother, the act was exceptional, and due rather to the influence of the empress Agnes than to any law or custom regulating the contingency. In an elective monarchy such a provision was hardly necessary, seeing that a minor or an incapable person had theoretically no better title than a stranger to the reigning family.

[d] "Nullius valoris."

[e] Ep. of D. Philip to Inn. III. *Regist. de Negotio Imp.* Ep. 136, p. 746.

pendents and partisans of the Hohenstauffen party elected duke Philip of Swabia king of the Romans; and the duke, after a brief and, probably, not very sincere resistance, accepted the nomination. But the wrongs which the late duke Henry the Lion of Saxony had to avenge upon the Swabian family were uppermost in the memories of the estates of Saxony, Westphalia, Lorraine, and Burgundy; and they chose Otto, the second son of Henry the Lion, under the immediate patronage of the powerful earl Baldwin of Flanders.[f] By a rapid movement Otto was put in possession of the imperial city of Aachen (Aix-la-Chapelle); and on the 12th July 1198, he was there solemnly crowned king of the Germans by the archbishop of Cologne, to whom that office constitutionally belonged. A few days afterwards the same office was performed for duke Philip at Maintz by the archbishop of the Tarantaise (Savoy), with all the proper implements and insignia of a royal coronation. Both elections, and the coronations which followed, were notoriously informal: that of Otto, because the essential symbols were in the possession of his adversary; that of the Duke, because the ceremony of consecration was performed at an unusual place, and by an unauthorised officer. In point of time, it is true, the election of Philip preceded that of Otto by some five weeks; while the coronation of Otto was anterior to that of Philip by a few days only. With pretensions so evenly balanced, it was obvious that no arbitrament but that of the sword could determine the controversy; and to the sword both parties appealed with ruinous alacrity.

Richard I. in the cause of Otto.

Independently of the personal animosities subsisting between Richard of England and the king of France, there were political reasons of sufficient weight to incline them to active interference in the affairs of Germany at this juncture. Richard I., on behalf of his nephew Otto, and Philip Augustus on that of the duke of Swabia, spared no amount of flatteries and professions to win over

[f] Afterwards first Latin emperor of Constantinople.

the Pope to the party of their respective candidates. Richard vaunted the profound respect, devotion, and obedience which he himself, his nephew, and his family had uniformly displayed in the service of the "pontifical majesty;" and he affirmed that no two princes of Christendom were equally able and willing to assist the pontiff in subduing the enemies of the faith. If, therefore, the Pope would now "stretch forth the right hand of his power in aid of his nephew, he would, on his behalf, bind himself in a perpetual covenant with the Holy See, that he (Otto) should do liege homage for the kingdom to the Pope and Church of Rome *as his only lord*;[g] that he would make good all usurpations and encroachments upon the estate of the Church committed by the Swabian emperors; that he would guard her rights and property against all assailants; and, at the command of the Pope, do his best to prevent secular intrusion upon the same; in short, that he would undo all that his Swabian predecessors had done, in principle and practice, to check the pretensions of the Holy See. He therefore called upon the Pope, in consideration of these meritorious dispositions on his own part and that of his nephew, as well as of the sufferings of Henry of Saxony and his family in the cause of the Roman Church, to confirm the election of Otto, and to reprobate the usurpation of the duke of Swabia and his fellow-rebels, by binding them in the chain of anathema until they should signify their submission to the legitimately elected and crowned king of the Germans.[h]

Philip Augustus of France in the cause of Philip of Swabia.

Simultaneously with these active steps on the part of Richard, his great rival Philip Augustus addressed the Pope on behalf of the duke of Swabia with an ardour of profession outbidding that of his adversary. "He and his kingdom," he said, "had ever been the faithful and obedient clients of the Holy See; and upon that ground alone he had a right to call upon the Pope to relieve

[g] "Debitam et juratam *fidelitatem* impendet, *tanquam unico domino tuo*."

[h] *Regist.* de neg. Imp. epp. 4 and 5, ap. *Baluz*, i. p. 688. *Rayn.* an. 1198, §§ 53 and 55, pp. 22, 23. Conf. *Matth. Paris*, ed. Watts, p. 163, and the Epistles of Otto's electors in *Regist.* &c. ep. 10.

him from the danger to which his dominions must be exposed by the establishment of his enemy upon his eastern frontiers: he therefore implored the pontiff to discountenance a usurpation so full of danger to the peace of his realm. Then, as to the accusations of disloyalty to the Holy See so profusely vented by the adversaries of duke Philip, he assured the Pope that no such sinister dispositions existed in the mind of that prince; and that he was prepared, under his (the king's) solemn guarantee, to redress any injuries the Pope might have to complain of against himself or his predecessors, as well as to give ample security for his future *obedience;* abiding, at the same time, the judgment of the Holy See as to the nature and amount of the restitutions and compensations required; furthermore, that he was ready to pledge lands and estates,—or, if preferred, to deposit a sum of money,—as proof of his sincerity, so that he might thereby bind himself to the holy Roman Church in a perpetual covenant of obedience and friendship."[i]

Philip of Swabia to the Pope.

As far as professions could bind them, both pretenders and their powerful backers had treated the Pope as the ultimate judge of their respective claims. Philip himself addressed Innocent on his own behalf in terms of boundless acknowledgment of his spiritual supremacy; a power to which, he said, no human authority could assign end or limit. He denied that he had ever been excommunicated by pope Cœlestine III., as alleged by his enemies; and he implored the Pope to contradict the false and calumnious report; to rest assured of his unalterable obedience and attachment to the Holy See; and finally to do him justice against his enemies and slanderers.[j]

Dispositions of Innocent III. as to the claims of Otto.

But Innocent III. regarded these professions and promises in no other light than as acts of homage to his transcendental power and authority. What stood clearly and prominently before his mind was the contrast of traditional

[i] *Regist.* de neg. Imp. *ibid.* ep. 30, p. 690. *Rayn.* an. 1198, p. 23.

[j] *Ibid.* ep. 136, p. 746.

principle and action between the rival families. In the age in which he lived the policy of princes was almost of necessity determined rather by family tradition and inherited opinion than by intercourse and observation of each other's dispositions. No member of the race of princes who had dared to deny the capital principle of pontifical supremacy[k] could find favour in the eyes of its most devoted champion. On the other hand, remembering that disturbances of social order and government; that the conspiracies, insurrections, rebellions, dating from the accession of Henry IV., assumed the character of merits when they fell in with the interests or the designs of Rome, we are not surprised at the confidence with which king Otto appealed to the history of his family in support of his pretensions to the favour of the Holy See. Innocent could not be brought to believe that the hereditary enemy of those zealous defenders of the papacy could ever be converted into a useful, much less a devoted and obedient, servant and subject. Besides the priority of his election, Otto might boast of his ready abandonment of the claims of the empire upon the provinces conquered by the Pope after the death of Henry VI. Upon all these meritorious grounds he confidently challenged the imperial crown to himself, and invoked the maledictions of the Church in all their severity upon his opponent.[1]

Release of the Queen and family of Tancred.

But the Pope had two objects in view, which delayed the definitive rupture between Philip and the Holy See. The hapless widow and daughters of king Tancred of Sicily, together with the archbishop of Salerno, were still detained as captives in Germany; and as yet no part of the sum extorted by the late Emperor for the ransom of king Richard had been refunded. The cardinal-bishop of Sutri was accordingly sent as legate to Germany, with

[k] See Book xii. c. 3, p. 81 of this work. And conf. *Regist.* de neg. Imp. *ib.* ep. 18, p. 693; a letter to which all the theological literature of the middle age has no equal for eccentric commentary and extravagant symbolism.

[1] Namely, excommunication, anathema, and sentence of absolution from their oaths of all persons who might have sworn to, or might owe him any service or duty. *Regist.* &c. *ibid.* ep. 3, p. 687. Conf. *Rayn.* an. 1198, §§ 58, 59, p. 24.

power to release Philip from the excommunication he had incurred for certain acts of aggression upon papal territory perpetrated during the lifetime of his brother, upon condition of the release of his prisoners and the repayment of the extorted ransom. As to the captives, they had ceased to be of any value as hostages, and, it was thought, could be in no way dangerous as enemies. Philip had therefore no farther interest in detaining them; and they were unconditionally released; after which the legate, hastily or corruptly, withdrew the papal censures. But it was not to be supposed that the duke would consent to strengthen the hands of his enemy with funds which he believed would somehow or other find their way into the coffers of his rival; and the Pope expressed his disappointment, or vindicated the justice of the Holy See, by degrading and banishing the offending legate.[m]

Candidates and partisans place themselves in the hands of the Pope.

But not only the principals in the contest, but the partisans of the candidates for the empire had placed themselves and their cause, with almost diplomatic precision, in the hands of the Pope. The latter without delay assumed the position thus ostensibly assigned to him. In reply to the submissive addresses of the prelates and princes on both sides, he assured them of the profound sympathy he felt for the sufferings of their country from the civil war; and promised that as soon as the troubles, the guilt of which each party threw upon its opponents, should come to an end, he had determined to summon the *legitimately elected and crowned king* to Rome, to receive there the imperial diadem;[n] rather ambiguously defining the qualification to consist in a priority of election, and a coronation in accordance with the ancient and approved customs of the realm.[o]

Up to this point of time we observe some kind

[m] See *Epp. Inn. III.* lib. i. ep. 26, p. 13. *Gesta*, &c. § xxii. p. 6. *Rayn.* an. 1198, § 64, p. 27. The Pope chose to treat the absolution of Philip as obtained by bribery; and confined the offender to a remote monastery for life.

[n] "Cum autem imperialis corona sit a Romano pontifice concedenda," &c.

[o] See the letters of the parties to the Pope, and his replies, in *Regist.* de neg. Imp. ubi sup. pp. 688, 689, 691.

Innocent resents the election of Leopold to the archbishopric of Maintz.

of hesitation in the mind of Innocent as to his proper course. But a fresh offence on the part of Philip of Swabia appears to have dissipated his doubts. In the precise terms of the reprobated Concordat of Worms, the latter had, *in his own presence*, caused Leopold bishop of Worms to be elected to the vacant primacy of the kingdom, while a minority of the chapter, in the interest of Otto, had seceded from the body, and elected Siegfried, the dean or provost of the cathedral of Maintz, to that dignity. But no steps could be more offensive to Rome than a recurrence to the forms of an instrument so often rejected and condemned by the Holy See as the concordat of 1122;[p] and the Pope made up his mind to disclose with the utmost frankness and perspicuity the motives by which his judgment would be guided, in deciding upon the merits of the rivals.

Adjudication of the Pope on the claims of Philip and Otto.

The exordium of the pontifical allocution issued for the instruction of all parties assumes as an established principle known to all the world, that *the empire appertained to the Apostolic See substantially and finally.*[q] "Here," he proceeded, "we have three candidates to be dealt with, viz. the king of Sicily, the duke of Swabia, and count Otto of Poitou.[r] As to the claims of the infant Frederic of Sicily, they must be disallowed upon every ground of legality, fitness, and expediency. He was an unbaptised infant at the time of his election; he had been chosen by the coercive influence of his father; it was in the highest degree inexpedient and *eminently dangerous to the Church that the crowns of the empire and of Sicily should be united on one head;* it was therefore manifest that the qualified candidate must be looked for

[p] Conf. Book xii. c. 1, pp. 12, 13 of this work. It should be remembered that the articles of the treaty most obnoxious to Rome were those which permitted the election to proceed in the presence of the Emperor or his representative, and which sanctioned investiture before consecration.

[q] "Imperium noscitur ad eam (apostolicam sedem) principaliter et finaliter pertinere." We think the term "principaliter" is better rendered by the word "substantially" than "principally," or in its initiation; because the Pope admitted the right of initiatory election to belong to the Germanic constituency.

[r] Otto had been created earl or governor of Poitou by his uncle Richard.

elsewhere; and, inasmuch as the Church could not be for a moment bereft of an official protector and servant, she could not tolerate a regency. With regard to the competitors Philip and Otto, the election of the former was unlawful on several grounds: he was a traitor to his nephew Frederic by usurping his inheritance,[s] and by plotting to deprive him of his kingdom of Sicily;[t] he had sworn allegiance to his nephew, but had broken his vow *without applying to the Holy See for a dispensation;* he had plundered a part of the patrimony of the Church, and had been excommunicated for it; he had beguiled a legate of the Holy See, and obtained a surreptitious absolution; he had communicated with, comforted, aided, and abetted excommunicated persons. Besides this, he is an *unfit* person for the office; for it is in the highest degree unconstitutional that father should be succeeded by son, or brother by brother, *inasmuch as thereby the empire might become hereditary* rather than elective, and the rights of the princes and electors be wholly defeated. His election was *inexpedient*, he being in his own person a *persecutor* of the Church, and descended from a family of persecutors; his ancestor (Henry V.) had imprisoned pope Pascal, and extorted unlawful concessions from him;[u] his father (Frederic I.) had forfeited all his engagements with the Apostolic See, and had publicly threatened and insulted the legates of pope Hadrian;[v] he (Frederic) had broken the Treaty of Venice, and seized upon lands bequeathed to the Holy See;[w] he had resorted to deceit and violence against pope Lucius at Verona:[x] but the crimes of Henry VI. even exceeded those of his father in enormity; he had ravaged the patrimony of St. Peter; he

He decides against Philip.

[s] Alluding to the family possessions in Germany.

[t] Innocent always maintained that Philip was in league with the imperial lieutenants in Italy in holding out against the Pope as guardian of the minor king of Sicily, though upon what ground it is difficult to discover.

[u] The precision of the Pope's historical recollections is not vouched for. In this instance he probably alluded to the treaty of Ponte Mammolo. Conf. Book xi. c. 6 of this work.

[v] Conf. Book xii. c. 3, p. 81.

[w] In allusion to the seizure of the county of Bertinoro. See Book xii. c. 6, p. 176.

[x] Conf. Book xii. c. 8, pp. 289-292.

had slain or mutilated the servants of the Church; he had protected the assassins of the bishop of Liége; he had caused the bishop of Osimo to be buffeted and ill-treated; his servant Conrad (of Spoleto) had taken the bishop of Ostia by the throat, and dragged him to prison; but, worse than all this, after the conquest of Sicily, he had *forbidden his subjects to appeal to Rome:* Philip himself had usurped the territories of the Patrimony, and profanely styled himself *Duke of Tuscany and Campania;* and besides these crimes he had recently entered into a league with the intruders Marcuald, Diephold, and the rest, to usurp the kingdom of Sicily from the Holy See: in conclusion of this topic, if such were his misdeeds while he held but a subordinate station, what was to be expected from him if he should be raised to greater power?"

Decides in favour of Otto.

"Otto, on the other hand, might possibly have been elected by a minority in numbers; yet that minority must be taken to have been the better judges of the *fitness* of the person for the office—a far more important consideration than that of a mere numerical majority.[y] The unfitness of Philip was abundantly obvious to all; 'for in him the divine dispensation, *which visits the sins of the fathers upon the children* unto the third and fourth generations of them that hate Him,'[z] was to be made manifest; therefore it was neither lawful, seemly, nor expedient that the Holy See should even in appearance counterwork the divine purpose by extending any kind of favour to him. If, therefore, he be rejected, the claims of Otto have to be considered; and in him *we find every element of fitness* combined. He is himself the devoted servant of the Church, and comes of a God-and-Pope-fearing family both on father and mother's side; and he had been crowned by the proper officer in the proper sanctuary. Such are his qualifications: but finally, if the conflict should still be prolonged, the best course for all parties

[y] The "petitio principii" is here rather too broad.

[z] Or displease His representative the Pope. Innocent rarely made any distinction.

to pursue would be *to leave the election wholly in the hands of the Apostolic See.*"[a]

Every item of evidence as to the papal policy at this period plainly proves that this was what Innocent III. had been all along driving at. His bitter hatred of the house of Hohenstauffen prevented him from pursuing any policy that might lead to the restoration of that family, or any of its members. In the month of March 1201 he wrote to the princes, lay and spiritual, of Germany, deploring the total disappointment of his efforts for the restoration of peace to their troubled community. In vain had he waited, in vain sent legates hither and thither; the prospect of accommodation was more remote than ever. Meanwhile heresy was becoming rampant; the Saracen vaunted the final expulsion of the Christians from the land of the Lord's nativity: such disorders must be put an end to; therefore, with a view to bring about a general pacification, he announces that he had sent the cardinal of Præneste and his private notary as his legates to them (the estates of Germany); and that he had at the same time despatched the cardinal-bishop of Ostia to the French court with instructions to procure the assent of all parties to his proposals, and commanding all archbishops, bishops, &c. to attend upon the legates when summoned by them.[b] What these proposals were, was not for the present to be divulged; but if, after the publication of the late allocution, any doubts could have been entertained of their real drift, the next step taken by Innocent must have dissipated them. By a rescript dated the 1st of March (1201) he proclaimed Otto of Saxony the legitimate "King of the Germans and Emperor-elect." Addressing the king of his choice, he thus spoke out: "We, considering your manifold merits towards the Holy See, do hereby receive and adopt you; and, *by the authority of Almighty God given unto us*, do de-

Innocent III. takes the election into his own hands.

[a] "Deliberatio Dom. Pap." *Regist.* &c. ubi sup. ep. 29, p. 697: conf. *Pfister*, Gesch. v. Deutschl. vol. ii. p. 484.

[b] *Regist.* &c. Epp. 30, 31, 33, pp. 700, 701, 703.

clare you King of the Romans and Emperor that is to be; and we do hereby command all men to do you all due reverence and obedience as such king and emperor-elect; and further declare that it is our firm intention, *after the performance of all lawful and necessary acts on your part*, to call your majesty to take upon yourself the imperial crown and dignity, to be conferred upon you by our own hand at Rome."[c]

Innocent III. on the adoption of Otto.

To the estates, temporal and spiritual, of Germany the Pope threw off all reserve. He told them plainly that in default of a previous legal election by themselves, the "provisio imperii"—*the providing an emperor—was the undoubted prerogative of the Apostolic See;* delays must now be brought to an end; on their part he had received no reply to his frequent and urgent admonitions to unanimity; the Church would no longer tolerate the privation of an official advocate and protector; and inasmuch as it was impossible to accept the perjured traitor Philip, or to countenance the succession of son to father, or the brother to brother, he had by the authority of God and St. Peter adopted Otto, the discreet and devout son of the Church, to be King of the Romans and their future Emperor.[d] With the same frank audacity the pontiff informed king Philip Augustus of France that the act of adopting Otto of Saxony as King of the Romans was a simple exercise of the undoubted prerogative of the Holy See "substantially and definitively" to make provision for the filling of the imperial throne: he endeavoured at the same time to convince the king that the union of the crowns of the empire and of Sicily would be prejudicial to his interests; he pledged himself for the pacific and friendly dispositions of Otto towards the King of France; and finally recommended this *secret* message to his most serious consideration.[e]

But the eloquence and diplomatic skill of the cardinal of Ostia, in which the Pope appears to have placed great confidence, made no impression upon

[c] "Illustri regi Ottoni." *Regist.* &c. ubi sup. ep. 32, p. 702.

[d] *Regist.* &c. ubi sup. ep. 33, p. 703.

[e] *Regist.* &c. ubi sup. ep. 47, p. 708; and conf. ep. 48, p. 709, addressed to the bishop of Ostia.

Papal legates in France and Germany.

the obdurate temper of the king. Philip Augustus was not to be persuaded of the sincerity or the pacific intentions either of the Pope or his client, the nephew and ally of a prince upon whom at that moment he was preparing to inflict the severest injury.[f] There was now no further occasion for the "secrecy and caution"[g] recommended to the legate in the first instance; and after some delay the latter proceeded to join his colleague, the cardinal of Præneste, at Cologne, to meet king Otto and the estates temporal and spiritual, who had been previously summoned by the two legates to a general diet of the kingdom. But upon their arrival they found so alarming a deficiency in the attendance, that they thought it necessary to make a special report to the Pope: "For," said they, "some never received our citations; others flatly refused to obey; some sent empty excuses; others again shut their gates against our summoners, as, for instance, the cities of Maintz, Speyer, and Worms; in some cases the king's messengers were hanged outright." Besides these sinister symptoms, they informed the Pope of the existence of a party who were plotting the election of a third king to supersede both competitors; that in fact the long continuance of the public calamities had poisoned the minds of men against the Roman Church; still, that under all these discouraging circumstances they had laid the pontifical precept before the assembly, such as it was; that they had, *upon the authority of the Holy See*, proclaimed Otto King of the Germans and Emperor-elect, and pronounced the anathema against all his opponents. A short time afterwards the like sentence was passed upon the defaulters at the diet. These persons were, after a third summons, excommunicated by name; yet it was not to be disguised that serious disaffection existed in the kingdom, and even among the friends of the king a lukewarmness which boded no good to his cause.[h]

[f] The expulsion of king John of England from his continental dominions.

[g] See the letter to the bishop of Ostia, ubi sup.

[h] Letter of the cardinal-bishop of Præneste to the Pope. *Regist.* &c. ep. 51, p. 710.

Remonstrance of the estates of Germany.

Good grounds for these misgivings were soon apparent. Shocked beyond endurance at the insolent presumption of the court of Rome, a protest, signed by two archbishops, eleven bishops, three great abbots, the king of Bohemia, five dukes, four markgraves, and four counts, was presented to the Pope against the acts of his legates: "Was," they said, "ever such insolence heard of in the world? Where was the written law—the practice—the tradition (true or false) for such proceedings? Where, O ye priests of the Lord, do ye read that your predecessors or their officers had ever dared to interfere in the election of a King of the Romans—that they had *put themselves in the place of the electors?* Or that, as triers,[i] they had presumed *to weigh the merits of the electors and the elected in their own scales?*" . . . "From the olden times it had been a settled maxim of law *that there could be no Pope without the consent of the Emperor;* and even if that right had ever been renounced, what pretext could such renunciation afford for the interference of the Pope with the election of an Emperor of the Romans? If he or his legates acted as *electors*, what could be said of their impartiality? How did it happen that they took no heed of the great majority, both of numbers and station, of those who voted for king Philip? If they acted as *triers* of the right to elect, they ought to have known that there is no tribunal competent to heal a division among the electors but such as should proceed from their own body: but had not Christ Himself ordained that *His servants shall not meddle with worldly concerns*, as explicitly as that they to whom the management of mundane affairs is intrusted shall not meddle in spiritual matters? In those matters, therefore, they refused to take the Pope for their judge; and on these grounds they recommended him to withdraw his censures, and to accept king Philip as legitimate King of the Romans and Emperor elect."[j]

A more direct contradiction to the pontifical preten-

[i] "Cognitores."

[j] *Regist.* &c. ubi sup. ep. 61, p. 715.

sion that the election of an emperor belonged, "from beginning to end"—"*principaliter et finaliter*"—to the Holy See, could not be given. Insolent apology of Innocent III. But the affairs of the Pope's client Otto were not at the moment in so flourishing a condition as to warrant the infliction of any serious shock upon the prepossessions of the German constituency. The Pope desired to produce the impression that his late measures did not imply any unusual interference on his part. But how this object was to be effected in the teeth of his own positive and dogmatic declarations, was a matter of some difficulty; from which, however, he extricated himself with commendable dexterity. With undaunted reliance on the ignorance of his correspondent, he wrote to the duke of Zähringen—the foremost of the parties to the late remonstrance—protesting that he had never denied the initiatory right of the German princes and nobles to elect the King of the Romans; yet they ought to bear in mind that this right was "*a concession from the Holy See*," dating from the time when pope Leo transferred the imperial crown from the Greeks to the Latins in the person of Charlemagne:[k] at all events, it must be admitted that it belongs to the Pope to examine into and decide upon the fitness of the person chosen for the office: it is for the *ordainer* to determine the qualifications of the person it may become his duty to ordain: supposing, then, an extreme case—that, for instance, the electors should choose an *excommunicated person*,[l] or a tyrant, or an idiot, a heretic or a pagan;—could the Pope, he asked, be called upon to confer the imperial crown upon such an one? The bishop of Præneste, he contended, had in no respect acted as *elector;* but *after the election* he had stood forth in his *lawful character of judge, on behalf of the Holy See*, to determine the merits of the candidates; he had accordingly pronounced in favour of king Otto, and had enumerated the offences of duke Philip disqualifying him for

[k] We are not aware when this absurd fable originated; but see the transaction alluded to in Book vi. c. 4, p. 105 et sqq. of this work.

[l] As, for instance, Philip of Swabia.

the crown of the empire; and, in so doing, he had maturely considered the number and quality of the electors of the former; and had thereupon found that Philip's supporters had chosen him in the absence, and in contempt, of many of those to whom that right belonged.[m] Therefore, inasmuch as they who abuse their trust deserve to lose their franchise, justice required that *they* should not be deprived of it who exercise it rightly: Otto had been elected by the proper authorities; he had been crowned by the appointed minister, in the customary place and form; therefore it was the duty of the Apostolic See, after due reflection and forbearance, to acknowledge him as king; but there must be a limit to such delay, for it must not be supposed that the Roman Church could, for any indefinite time, dispense with her sworn advocate and protector, the Emperor: his legates were therefore justified in admonishing those with whose rights *they* had not interfered(!) to abstain from meddling with those of the Holy See.[n]

Character of the apology.

The right here contended for amounted both to a claim of *an absolute veto* upon a unanimous or uncontested election, and to a power of selection in the case of a double or contested election. But it was too apparent that a veto of this description must substantially throw the election into the hands of Rome, or perpetuate the vacancy of the empire. Such a vacancy, however, the Pope declared was inadmissible; consequently, after a decent delay, the nomination must fall to himself, inasmuch as *the requirements of the Church must supersede all temporal rights or privileges.* But to keep this awkward inference as much as possible out of sight, the Pope amused his correspondent with a long and eloquent enumeration of Philip's transgressions: he endeavoured to persuade the Germans that, by allowing hereditary succession to creep in, they must lose their franchise; and that it was therefore better for them to share the nomination with the Holy

[m] Strange!—as if the like reproach were not equally applicable to the electors of Otto.

[n] *Regist.* &c. ep. 62, p. 715.

See than to permit the shadow of hereditary claim to fall upon their imprescriptible privilege.[o]

It is not improbable that the suspicions thus cunningly set afloat, backed by the intrigues of the papal party, may have contributed to bring about the defections which, near the close of the third year of the civil war in Germany, greatly reduced the numbers of king Philip's adherents. But the adoption of Otto by the Pope had stirred up the spirit of the king of France to remonstrate against that act in a tone of bitter complaint. "What," he said, "was he to think of the Pope's professions of affection for himself and the kingdom of France, after raising his most determined enemy to imperial power and dignity?" and he declared that he would embrace every opportunity and use every means in his power to prevent the consummation of such a calamity to his people.[p] The pontiff, however, placed great confidence in the power of his rhetoric. There was obviously a floating idea in his mind that his eloquence partook of the inspiration claimed for the Church over which he presided. In his reply to Philip Augustus, he again travelled over the old ground: he described in glowing terms the unutterable crimes of the duke of Swabia—his inordinate ambition—the worthlessness of any pledges that could be offered on behalf of one descended from so perfidious and insatiable a race: as for king John of England, he had nothing to fear from him; for to the Pope's certain knowledge he had done little in support of his nephew; he had not even paid over to him the sums bequeathed by his uncle Richard, nor sent men or any kind of armament to his assistance:[q] besides this, the King ought to reflect upon the danger to himself, if that bold bad man, Philip of Swabia, should succeed in uniting the crowns of the empire and of Sicily upon his own head;—and who, he asks, after

Remonstrance of king Philip Augustus.

Reply of the Pope.

[o] See the letter to the duke of Zähringen, as above quoted.

[p] *Regist.* &c. ep. 63, p. 177.

[q] The Pope was at this very time urging John, by arguments and by threats, to pay over to Otto the sum in question, though all in vain. *Regist.* &c. ep. 48, p. 709; ep. 60, p. 714; and ep. 69, p. 720.

a moment's reflection upon his antecedents, and the extravagant ambition of the race from which he sprung, could doubt that such was his intention? The late emperor Henry had boasted that he would reduce France to the state of a vassal kingdom: might not Philip try the same game? Besides these probabilities there were other facts of which the King ought to be apprised: it was known that the pretender had laid a snare for the King himself upon his return from the crusade;[r] it was therefore not improbable that such practices might be repeated; consequently it would be better to strike him down at once than to be struck down by him, especially now that *he could do it by the sword of another* (Otto) *without trouble or expense to himself*, and at the same time obtain from his present opponent advantages he could never expect to derive from the success of the pretender Philip: lastly, if the King should persist in his present policy, it might be worth his while to consider the effect upon his own material interests, if the Pope should thereafter be forced to throw his whole weight into the scale of a hostile emperor.[s]

Measures of the Pope for reducing the German prelates to obedience.

If pope Innocent could have been brought to believe that any task conducive to the accomplishment of his plans was beyond his strength, the fresh crop of obstacles that started up in his path at every turn might at least have suggested the practice of some kind of economy in the expenditure of his spiritual ammunition. As it was, each fresh impediment only produced an aggravated discharge of the pontifical thunders. The archbishop of Treves had been found lukewarm[t] in the cause of Otto, and was threatened with suspension and excommunication; the bishop of Passau was obstinate, and was summoned to Rome to answer for his misde-

[r] We have no further account of this supposed plot. Was it a mere rumour hastily caught up; or a touch of that "serpentine prudence" which it seems Innocent thought it no wrong to resort to in a good cause? We shall find this practice of sanctified falsehood frankly adopted in his dealings with the Albigensian and Waldensian heretics.

[s] *Regist.* &c. ep. 64, p. 717.

[t] *Ibid.* ep. 68, p. 720.

meanours, or to be excommunicated and suspended.[u] The archbishops of Besançon, Magdeburg, and of the Tarantaise were in disgrace for their open support of the cause of Philip, and disobedience to the citations of the papal legates. All the three were ordered to purge themselves before the Pope in person, and were duly excommunicated and suspended for contumacy.[v] But, after all, the German prelates were by this time too familiar with the echoes of the Roman thunder to feel any great compunction, when their personal or political interests made it possible or expedient to disregard occasional twinges of the religious conscience. The fact that the papal influence in Germany was almost wholly supported upon the party animosities which had plunged the country into unspeakable calamity became every day more apparent. Yet Innocent III. was more than ever bent upon extracting from the belligerents and their partisans guarantees, and promises, and oaths, which experience might have taught him were scarcely remembered after the motive for them had ceased to operate. Soon after the public recognition of Otto as king of the Germans, he was required to perform the conditions imposed by the Pope. By his oath of June 8th, 1201, he warranted to the Holy See all the lands, possessions, and territories she had conquered since the death of Henry VI., and engaged to aid her in defence of the same; he swore to deliver to her all such possessions as had not already been acquired, as they should fall into his hands; these regions were defined to consist of "all the country extending *from Radicofani to Ceprano, the exarchate of Ravenna, the Pentapolis, the Marches, the duchy of Spoleto, the lands of the Countess Matilda, the county of Bertinoro, with other districts adjacent to these territories, as expressed in the charters of the Emperors to the Holy See from the age of Louis;* with all the jurisdictions, revenues, honours, and proceeds thereunto belonging, or arising thereout, exempt from all charges or burdens, except the necessary requisitions

Oath of Otto IV.

[u] *Regist.* &c. ep. 70, p. 720.
[v] *Ibid.* ep. 71, p. 721; ep. 73, p. 722; ep. 74, p. 723; conf. also epp. 75 and 76, p. 723.

and supplies (*procurationes*)[w] when the king should pass through them to receive the imperial crown." In like form he swore to be helpful to the Pope in retaining and defending the kingdom of Sicily; that he would pay all due obedience to the Holy See, and perform all those *honorary services* which his devout predecessors had been, from all time, accustomed to perform towards the Popes of the holy Roman Church; that he would maintain the good customs of the Roman people as enounced by the Pope; as also all the rights of the *Tuscan* and *Lombard leagues;* that he would take the Pope's advice as to his accommodation with France; and that if, in the pursuit of his own wars, the Church should become involved or sustain any damage, he would supply the necessary funds and indemnities.[x]

Legal nature of the promised cessions.

The territories expressed to be ceded by this instrument correspond pretty closely with those known in our own days as the "State of the Church." With a singleness of view which shocks the modern ideas of the right of kings to dispose at will of national territory,—a view hardly less inconsistent with those of the elective monarchy over which king Otto was destined to preside,—Innocent III. chose to regard the monarch as competent to covenant as much on behalf of his subjects as on his own; consequently to transfer lands and territories without further authority than his own arbitrary will or convenience.[y] It scarcely admits of doubt, however, that the Germanic constituency, if they could have been consulted upon the cession in question, would have stoutly denied the right of their king so to dispose of any portion of the empire. There is ample evidence that they regarded the kingdom of Italy, in its whole extent, quite as much as a part of the empire as any circle of Germany, consequently inalienable except by some legislative act of the whole body. In this view, the oath of Otto, conveying some of the finest provinces

[w] See *Du Cange*, ad voc. Procuratio.
[x] *Regist.* &c. ep. 77, p. 723.
[y] Thus, as it were, making the *jus divinum* of kings subsidiary to the *jus divinum* of the Holy See.

of the empire to a stranger, would be a nullity, whenever the states of Germany should think fit to ignore or revoke it. There is no proof that any such assent as would have imparted validity to the cession was given at the time; and the subsequent acts of the Emperor and his subjects indicate—as far as acts can denote intention—an absolute repudiation of the illegal compact.

Decline of king Philip's affairs: attempts at negotiation with Rome.

In the course of the year 1202 and 1203, the affairs of Philip of Swabia had been upon the decline. He had been deserted by his most powerful partisans, on the ground of certain unredressed wrongs complained of against him. A campaign undertaken to reduce the seceders had failed; and the King was reduced to the narrow limits of his patrimonial estates. The death of his brother the earl-palatine, Otto of Burgundy, and the sanguinary brawls then raging among his remaining supporters, further tended to darken his prospects, and probably to incline him to negotiation, with a view at least to mitigate the hostility of the court of Rome.[z] It is probable that some kind of communication was opened; but pope Innocent had gone too far in support of the cause of his rival to admit of open or public negotiation with Philip; in fact, any thing that may have passed on the occasion only led to further misunderstandings. Philip was accused of addressing forged

[z] See pope Innocent's account of the forlorn condition of Philip at this juncture, in his letter to the Lombards of the 11th Dec. 1203. *Regist.* &c. ep. 92, p. 730: conf. *Pfister*, Gesch. v. Deutschl. vol. ii. p. 489. About forty-two years afterwards pope Innocent IV. produced at the Council of Lyons (1245) a document, purporting to contain a deed of submission tendered by Philip to the Pope by certain Camaldulensian monks. This submission was, it is said, accepted by Innocent III., and that a humble letter of thanks was addressed to him by that prince on the occasion. The alleged deed purported to contain covenants on his part: 1st, to restore all unlawfully alienated possessions of the Church: 2dly, to renounce all claim to the exuviæ or personalty of deceased prelates: 3dly, to abolish all abuses complained of by the Holy See: 4thly, to assist Alexius Angelus, his (Philip's) brother-in-law, in reducing the Greek empire under the dominion of the Roman Church: and 5thly, to place all persons excommunicated by the Pope under the ban of the empire. This document, though given at length by *Raynaldus* (an. 1203, § 28, p. 153), is not noticed in the *Registrum* de neg. Imp. nor any where else in the writings of Innocent III. The game of forgery was at this period carried on by both sides with great activity.

The Pope complains of forgeries and false reports.

letters to the bishops of Freisingen, Passau, and Eichstädt, insinuating that there were dissensions in the pontifical councils touching the affairs of Germany; and affirming that the friars who had acted as envoys to the court of Philip had carried back with them a formal call from the Pope to assume the imperial crown. These "diabolical falsehoods" Innocent declared to be the work of the reprobate Philip; that his overtures had received no other answer than, that as the Holy See never closed her doors to contrite sinners, so, if his desire of reconciliation was sincere, he (the Pope) would be happy to receive and embrace him in the character of a penitent; but that, as to the rumour of a schism in the councils of the Holy See, he assured his correspondents that he and his whole curia had never been more cordially agreed than as to the very points upon which they were slanderously reported to be at variance.[a] Again, in the autumn of the year 1203 the report of the death of Innocent had given occasion to fresh forgeries; a successor was rumoured to have been elected by the name of Clement, and a bull of the new pope in favour of Philip's pretensions had been hawked about, to the great scandal of the Roman Church. He therefore indignantly warned the bishops and princes of Germany against this, and many other counterfeits and false reports, which had been industriously circulated with a view to induce them to believe that he entertained secret intentions to desert the cause of Otto.[b]

Exertions of Innocent III. on behalf of king Otto IV.

At no period of the civil war in Germany had pope Innocent put forth the powers of the Holy See with more vigour than now that the prospects of king Philip were apparently declining to their ruin. He encouraged the chiefs of Otto's party, by reminding them "how frequently it happened that the sword of the spirit was despised when unsupported by the sword of the flesh."[c] He excommunicated and deposed the archbishop of Treves for embracing

[a] *Regist.* &c. ep. 85 to 90, pp. 727 to 729.

[b] *Ibid.* ep. 96, p. 732.

[c] *Ibid.* ep. 79, p. 724.

the cause of Philip.[d] He rebuked the archbishop of Cologne for his indifference to that of Otto. He congratulated the latter upon the prosperous state of his affairs, emphatically reminding him at the same time of his utter dependence upon the countenance of the Holy See for a continuance of his good fortune.[e] He reproved the bishops of Metz and Cambray for their niggardly treatment of his legates while residing in their dioceses in the service of the Church; threatening them with the severest censures unless they should behave more liberally in future.[f] He put himself forward as mediator of a treaty of alliance between Waldemar of Denmark and king Otto, and promised to ratify, *by authority of the Holy See*, any treaty of that nature that might be approved by his legates.[g] To the prelates, cities, and nobles of northern Italy he addressed a verbose explanation of his reasons for choosing them a king without their concurrence. He discoursed at length upon the demerits of Philip, and the defects of his election; he insisted upon the right of the Holy See to inquire into and decide upon the qualifications of all candidates for the imperial crown: but Philip was the enemy of the Roman Church; he had supported the traitor Marcuald, and was at that moment in league with the Sicilian rebels against their king and the Pope: he (Philip) was the hereditary foe of the Lombards; Otto on the other hand was the son of their defender and protector, Henry of Bavaria;[h] it was therefore with a view to their interests that *he had placed king Otto upon the throne;* and he had a right to expect they would give their assent to the election, and zealously unite their efforts with those of the Pope on behalf of

Innocent III. to the Italians.

[d] *Regist.* &c. ep. 78, p. 724.

[e] *Ibid.* ep. 91, pp. 729, 730.

[f] The popes always quartered their legates upon the churches where they might happen to be. Accordingly the latter were in the habit of evading the burden, and eluding the demands of these legatine extortioners by every device in their power. Conf. *Regist.* &c. ep. 84, p. 727.

[g] *Ibid.* ep. 84, ubi sup.; and ep. 97, p. 733.

[h] There is very slender ground for this statement. Duke Henry had no doubt tampered with the estates of Lombardy in his rebellion against the emperor Frederic Redbeard, but only with a view to embarrass his sovereign in furtherance of his personal quarrel, without the remotest regard for the interests of the Italians.

their best friend: hitherto they had not stirred in his cause; but now was the time to put the finishing hand to the good work. Otto had reduced nearly the whole of Germany to obedience: the usurper was lurking in a corner of the empire, destitute alike of friends and means: therefore if they, the prelates, cities, and barons of Italy, should at such a moment fail to make known their loyalty by active services, they would not prevent his obtaining the imperial crown, but would in that case forfeit all claim to favours from either Pope or Emperor.[i]

Supineness of the estates of Germany in the cause of Otto IV.

In truth, pope Innocent witnessed with manifest uneasiness the supineness both of Italians and Germans at a period of the war when no great exertion was required to bring the contest to a successful conclusion. The dukes of Saxony, Zähringen, Brabant, Bavaria, Austria, and the markgraves of the eastern Marches had sheathed their swords; the prelates and clergy of Germany were equally unfruitful of "good works;" the primate of Treves was in disgrace; the archbishops of Cologne and Salzburg hung back; accounts from day to day made it plainer to the Pope that the estates of Germany had no mind to indulge his anxious wish for the ruin of Philip and the whole Hohenstauffen race. In vain he inculcated that when the spiritual sword was once unsheathed, the temporal sword ought to leap from its scabbard; so that all who do not fear the former may at once feel the sharpness of the latter.[j] Yet with all these misgivings he wrote a flourishing letter of congratulation to king Otto on the prosperous state of his affairs, and received from him a reply full of professions of attachment and filial dependence; for all which he obtained his due meed of praise in exchange, qualified, however, by reiterated exhortations to be faithful to his vows,—intimations seeming to imply a doubt whether the impression made was

[i] *Regist.* &c. ep. 92, p. 730.

[j] See his epistles to the King of Denmark and the Markgrave of Thuringia, *Regist.* &c. ep. 97, p. 733; and in ep. 103, p. 735, to the Archbishop of Salzburg he wrote to show his faith by his works, by active military intervention, "ne fides sine operibus mortua videtur."

either lasting or sincere.[k] Doubtless the Pope observed that these professions were unaccompanied by any cordiality of communication, any recurrence to the counsels of the Pope, any application for advice in doubt or difficulty. Accordingly we find that Innocent, even in reply to his most dutiful addresses, never relaxed from the rigour of his exhortations to docility and dependence upon the patronage of the Holy See. It was natural to suspect a secret resentment in the heart of the youthful prince at the state of bondage to which it was the avowed purpose of Innocent to reduce him; and we are at liberty to believe that a suspicion of the truth was lurking in the mind of the pontiff himself. And, in fact, Innocent had found it a hard task to clear himself of the imputation of intending to usurp the prerogative of electing the King of the Romans. The double pretension of examining the qualifications of the candidates, and of conferring the imperial crown upon the favoured candidate, carried with it too violent a presumption of intent to be overlooked by a body disinclined to admit any other than a mere ministerial office in the Pope, after they should have determined the person to be crowned. As long, indeed, as the contending factions stood in need of his spiritual weapons to create confusion in the ranks of their opponents, they availed themselves of the current coin of vows, professions, flatteries, and oaths to purchase his favour. The disposition to trust too implicitly to these paper-promises was a principal error of pope Innocent's policy; and it led to some of the most sensible disappointments of his pontificate.

Extorted oaths and promises: their value.

But now came the turn of fortune's wheel, and with it convincing proof of the insufficiency of the securities upon which Innocent had built his hopes. Within the current year (1204) the archbishop of Cologne, the prelate who had crowned Otto IV., fell off from him, and was deposed by

Turn of fortune: Philip in the ascendant.

[k] *Regist.* &c. ep. 107, p. 736.

the Pope.[1] For a suspicion of similar disaffection the patriarch of Aquileia incurred a menace of the like fate: the brother of Otto, Henry earl-palatine of the Rhine, quarrelled with the King and went over to his rival:[m] king Ottocar of Bohemia was defeated and mulcted of half his dominions: the landgrave Hermann of Thuringia, hitherto regarded as the staunchest of Otto's adherents, had fallen on his knees, and done liege homage to Philip as king of the Germans: the imperial city of Aachen had admitted him within its walls, where, with a view to wipe out the defect in his title which had so seriously affected his position, he solemnly laid down his crown, and caused himself to be recrowned and anointed by the renegade archbishop of Cologne as official consecrator.[n]

Indignation of Innocent III.

Innocent bewailed his disappointment in letters of reproof to his friends; and in others he inveighed in terms of burning indignation against the perjured deserters of the cause "of God and the Holy See."[o] All, however, that could now be done for his client Otto was to sustain his spirits, and procure for him the necessary funds to continue the contest. He again admonished king John of England "out of his abundant riches" to pay to his nephew the sum bequeathed to Otto by his uncle Richard I.; and commanded the archbishop of York and the bishops of Ely, Durham, and Winchester to use their influence, and, if needful, spiritual censures, to enforce compliance.[p] Meanwhile king Otto took refuge in the wealthy and powerful city of Cologne. But the asylum availed him but a short time. A majority of the states of the Rhine and of Saxony, with the aid of king Ottocar of Bohemia, who had once more embraced the party of Philip,

[1] Letters of the 29th of Oct. 1204, and the 30th of March 1205, in *Regist.* &c. epp. 113 and 116, pp. 739, 740. See also epp. 117, 118, pp. 741, 742.

[m] *Ibid.* ep. 119, p. 742; ep. 120, pp. 742, 743; and ep. 122.

[n] The archbishop had, it seems, been excommunicated by the papal legates prior to the coronation of Philip. The final sentence, however, was not pronounced till after that ceremony. Philip was crowned on the 5th Jan. 1205, but the sentence was not confirmed by the Pope till the 13th March.

[o] See *Regist.* &c. epp. 119-125, pp. 742, 743.

[p] *Ibid.* epp. 129, 131, 132, pp. 744, 745. Dated on or about the 17th Feb. 1205.

enabled the latter to lay siege to the strongly fortified city. Here again fortune stood his friend. An unlucky sortie of the city militia was driven back with so severe a loss, that the courage of the citizens failed them; and after a short parley, they surrendered on advantageous terms to king Philip.[q]

Approaches of Philip to the Pope.

Otto had, however, made his escape from Cologne with Bruno the papal archbishop, and was permitted to remain unmolested in his patrimonial duchy of Brunswick. Philip was too sensible of the importance of reconciliation with Rome to neglect the opportunity which his brilliant successes presented to make terms with the Pope. He accordingly addressed an eloquent apology to the court of Rome for the whole of his conduct since his election, and appended to it a highly orthodox profession of faith. He apologised more especially for the favour he had shown to the archbishop Leopold of Maintz in opposition to Siegfried, the nominee of the Ottonian party: the former, he said, had been chosen by the majority of the chapter without any interference on his part, while his rival could claim only a minority consisting of factious seceders; nevertheless, as soon as he was apprised of the Pope's objections, he had referred both parties to the court of Rome as their ultimate judge, whereby he had discharged himself from all responsibility. At the same time he intimated that, though to the detriment of his own interests, he was ready to agree to a truce for a year with his rival; and, in that interval, to abide the united judgment of his princes and the pontifical legates as to the best mode of restoring concord between the empire and the Church: he promised redress of all abuses and grievances they might point out, and submitted his proposals for reconciliation to the conscience of the Pope: but he stoutly denied that he had ever been lawfully excommunicated; and on that ground insisted that he could not be considered as disqualified for the kingdom or the empire.[r]

Innocent III. had put faith in the promises of Otto;

[q] *Raumer*, Hohenst. vol. iii. p. 133.

[r] *Regist.* &c. ep. 136, p. 746.

Innocent feels his way to an accommodation with Philip.

and, strangely enough, he now showed a similar disposition to believe the professions of Philip; at all events he thought his confession of faith sufficiently orthodox to justify negotiation. Perhaps political reasons had their weight; and, after some delay, the archbishop of Aquileia was deputed, without any diplomatic mission, to sound the dispositions of the German court, with power to conclude or mediate a truce between Philip and his rival that might lead to the final settlement of the affairs of the empire.[s] But he peremptorily declined the advice of the archbishop of Salzburg, pending the negotiations and the cessation of arms, to withdraw the spiritual censures against Philip and his adherents. He maintained that the spiritual war which he waged stood in no manner of relation to, or was in any respect dependent upon, temporal hostilities; and that no reason could be assigned why his servants should sheathe the spiritual sword as a consequence of the cessation of carnal warfare; that, in fact, the mission of the patriarch of Aquileia was not a proper legation, but only intended as an opening to afford an opportunity and leisure to him (the Pope) for giving his whole attention to the pacification of the empire, and to deter Philip from supporting the intrusive bishop of Maintz.[t]

He absolves Philip: negotiates a truce.

In the mind of Innocent III., as in that of his severer predecessors, there existed no reciprocity of obligation between the spiritual and the temporal powers. Reserving to himself the utmost latitude of interference with the affairs of men and nations, he repudiated every equitable consequence of that interference which might tie his hands from the freest use of his spiritual weapons. This maxim, though no novelty in papal history, had acquired a breadth in his mind it had never reached in that of any of his predecessors. But a more circumstantial report of the state of affairs in Germany induced him to interfere for a general pacification, and, if needful,

[s] *Regist.* &c. ep. 137, p. 748. [t] *Ibid.* ep. 139, p. 748.

to relax the severity of his censures against the Hohenstauffen party. Two legates[u] were sent to the rival courts, instructed, if possible, to procure an interview between the competitors, and to persuade them to agree to some such terms of accommodation as should relieve the country from the worst evils of the civil war. But it was clear that this object could be attained only by the abdication or temporary retirement of one or other of the claimants. Though, therefore, according to the desire of the Pope, the interview took place, neither party could be prevailed upon in any shape to abandon his pretensions. Philip, however, went all lengths in his power to gratify the pontiff. He released unconditionally archbishop Bruno of Cologne, who had fallen into his hands;[v] he deprived Leopold of Maintz of the temporalities of his see, and surrendered them to the Innocentian archbishop Siegfried; and pledged himself upon oath to give satisfaction upon all the matters for which he had incurred the pontifical censures;[w] after which he was solemnly absolved, and consented to a truce for a year with his adversary.

The truce, however, led to no approximation of the principals or their supporters; and before its expiration, Philip of Hohenstauffen, one of the ablest and mildest of his race, was basely assassinated by a relative of the house of Wittelsbach for some not very clearly ascertained offence.[x] This terrible catastrophe paralysed the country: the army disbanded itself, and the chiefs hurried homewards to provide for their own safety, or to turn the existing confusion to profit. The Pope received a circumstantial account of the tragedy from his legate Ugolino, then on his homeward journey from Germany.[y] Innocent directed him

Murder of king Philip.

[u] The cardinals Branca-Leone and Ugolino di Segni.

[v] Bruno was the papal archbishop of Cologne substituted for the excommunicated and deposed archbishop Adolphus.

[w] *Regist.* &c. epp. 142-148, pp. 750-752. The absolution was granted on the 24th of January 1207.

[x] Philip was assassinated on the 21st of June 1208. The murderer, Otto of Wittelsbach, was issue of a family whom the emperor Frederic Redbeard had raised to wealth and distinction. The present Bavarian family are descended from the house of Wittelsbach.

[y] *Regist.* &c. ep. 152, p. 752. The legate wrote from Mantua, where the news of the assassination first reached him.

immediately to retrace his steps, with instructions, by every means in his power, to prevent a fresh election, and to unite all parties in support of king Otto. The latter was at the same time reminded that the death of his opponent would by no means improve his position, unless the opportunity were used with circumspection and forbearance towards the party of his late adversary: he should, said the pontiff, bear in mind that *Frederic of Sicily was at hand to contest the throne with him;* who, though but a youth in years, might perchance turn out a formidable opponent.[z]

Innocent on the crisis in Germany: proclamation of Otto IV.

The crisis in Germany struck the mind of Innocent as a providential call to put in action the prerogative of the Petrine chair to the fullest extent he had ever assigned to it. He was, he declared, bound, "*by the divine authority* placed in his hands, to take good care lest the woful calamities which had so recently afflicted the church and the world should be renewed; lest a state of things which hath—though it be by a deed of unheard-of cruelty and wickedness—been removed by the judgment of God Himself should recur to vex the church and empire." The command of the Pope, in fact, fell upon the ear of the bewildered constituency as a voice from heaven. It was not doubted that a new election would lead to a revival of all those evils from which the late truce had for the moment relieved them; it was universally felt that no choice was left but to recal the exile and the fugitive whom they had so lately rejected, to deliver them from the calamities they had brought upon themselves.[a] At the summons of the archbishop of Magdeburg and the duke Bernhard of Saxony, a convocation of the northern princes at Halberstadt, followed by a general diet of the empire at Frankfort-on-the-Mayne, unanimously acknowledged the title of Otto IV., and he was solemnly proclaimed King of the Romans and Emperor-elect: the insignia of empire were delivered to him; and a general pacification, with promise of the

[z] *Regist.* &c. ep. 153, p. 752.

[a] See the letters in the *Registrum* numbered from 154 to 158, pp. 752 to 754.

abolition of many unlawful exactions and abuses, was proclaimed.[b]

Immediately after this transaction a proposal was started—not improbably by Innocent himself—of a union between Otto and his distant cousin Beatrice, the daughter of his rival Philip. The King himself, it is said, hesitated on the ground of consanguinity; but the Pope speedily cut the Gordian knot: a dispensation set all matters right;[c] and a solemn betrothal of the Emperor-elect with the daughter of the Hohenstauffen promised to heal the long-standing feud between the houses of Swabia and Saxony, and, with the presumed dispositions of the Emperor, to bode innumerable advantages to the Holy See. No thought appears to have been bestowed upon the sole surviving male heir of the late dynasty. The pontiff alone entertained a suspicion of what was lurking in the mind of that extraordinary youth; and, as we have seen, thought it requisite to hold the danger that might arise from the little cloud in that distant quarter of the horizon *in terrorem* over his client. Hence he took occasion to impress upon him and his constituents the great amount of their present obligations to the Apostolic See, and the necessity of a persistent adhesion to her counsels to extricate them from that and all other perils.

The Pope's admonition to Otto.

Otto himself was sensible that a good deal remained to be done to insure the loyalty of his turbulent subjects before he could venture upon his expedition to Rome to receive the promised crown of empire. He therefore acquiesced, with great appearance of sincerity, in the view taken by the pontiff of his new position. With profound devotion he acknowledged that all that he was, and all that he hoped to be thereafter, was to be attributed, under God, to the Pope and the Roman Church; for all which great and signal blessings he offered up his heartfelt thanks, and signified his firm resolution to show his

Otto acknowledges his obligations to the Pope.

[b] Conf. *Pfister*, Gesch. v. Deutschl. vol. ii. p. 496.

[c] See ep. 178, p. 759.

gratitude by promoting, to the extent of his power, the wishes of the Pope and the interests of the Holy See, by a strict adhesion to the advice he should receive for the establishment and consolidation of his power—"a power which he must ever regard as the Pope's own work."[d] If, therefore, declarations and professions meant any thing, the Pope had at length succeeded in making an Emperor to his mind, and in securing a faithful and obedient servant of the Holy See. And, in fact, Innocent had a good deal to do in the way of recovering certain districts presumed to appertain to the lands of the countess Matilda, and in settling his government within the extended boundaries of the estate of the Church.[e] It was, moreover, important to come to an understanding as to the relations of the vassal kingdom of Sicily to the empire. The danger of a collision between the heir of the Hohenstauffen and the man who had deprived him of his magnificent inheritance was to be provided against. And, in truth, it was not beyond the range of probability that when the Emperor should —as usual on occasion of a coronation—be in military possession of the estate of the Church, he would be tempted to fly at the throat of his enemy, and thus to deprive him of the power to make good pretensions he was by this time pretty well known to entertain.[f]

Otto marches into Italy.

The kings of Germany on their progresses to Rome to assume the imperial crown were always attended by the princes, prelates, and nobles of the empire, with a numerous army of military dependents. On those occasions the local governments of the provinces in which the imperial army was quartered were superseded by the Emperor and his officers. Otto now unexpectedly announced to the pontiff that, having arranged his domestic affairs to his satisfaction, he had passed the Alps "with a mighty and a glorious host;"

[d] *Regist.* &c. ep. 160, p. 754.

[e] Conf. ep. 186, p. 762.

[f] *Regist.* &c. ep. 187, p. 762. It seems that Otto entertained spies at the court of Palermo, and that he had reason to suspect the young King of an intention to disturb his possession of the empire. "The boy," he said, "was bent upon mischief;" and he protested that he held the Pope responsible for the difficulties that might arise. *Ibid.* ep. 188, p. 762.

and that he had already crossed the river Po, on his progress to the capital, to receive the imperial crown.[e] There was now no alternative. The "mighty and glorious host" must be received and entertained by the pontiff and his subjects "in going to, residing at, and returning from" the august ceremony. No security was obtainable against the ordinary scenes of violence and rapine which always accompanied the march of the German armies in Italy. How to render parchment promises and covenants available against armed power in the hands of a proud and jealous people was the great difficulty of pope Innocent III. He had so dazzled himself with the contemplation of his own sublimity, that he could make no allowance for a similar feeling on the part of his haughty guests—a people as proud of their own ancestral supremacy as the Pope himself of the traditions of the Holy See. But against these evils—if he really apprehended them—he knew of no remedy but a repetition of oaths and promises—if so it might be—to bind the consciences of the formidable strangers; who, now that they had the power, might have a grudge to wreak against one who had shown so steady a determination to humble and degrade the pride of the empire.

Proposed coronation-oath.

The first care of Innocent, after receiving intimation of the Emperor's approach, was to send a copy of the oath which king Otto had sworn eight years before (A.D. 1201) to the viceroy of Italy for his master's perusal. At the same time he assured the cities and nobles of Lombardy of his resolution to support them against any attack upon the league or its members,[f] and despatched to the imperial head-quarters a copy of *a new oath* the Emperor-elect would be required to take at his coronation. The formula, after setting out the unspeakable obligations of the Emperor to the Holy See, and the paramount duty to honour and exalt her, as he hoped for prosperity in this world and salvation in the life to come, abandoned all the privileges in the *election of prelates* "*said to have*

[e] *Regist.* &c. ep. 190, p. 763. [f] *Ibid.* epp. 185, 186, pp. 761, 762.

been" enjoyed by his predecessors;[g] granted absolute freedom of election to the chapters; with unlimited right of appeal to the Apostolic See in all causes or matters ecclesiastical; abolished the privilege of the exuviæ of defunct prelates, and renounced the enjoyment of the revenues of bishoprics, abbeys, &c. during vacancy; engaged to abandon all spiritual matters to the church and its supreme head, and to give the aid of the civil power for the extirpation of heresy and heretics; promised to deliver to the Holy See all the lands and possessions which she had recovered out of the hands of the Emperor's predecessors, as well as those which might be still withheld by himself or others, and to afford her his best aid in keeping and defending the same: this covenant is followed by a specification of the lands and territories in question, as in the election-oath heretofore alluded to;[h] all those lands, &c. *to be enjoyed in perpetual sovereignty*, with the jurisdictions, powers of government, honours, revenues, and emoluments thereunto belonging; excepting only the *poderum*, or necessary supplies for the court and army, when the Emperor shall be called upon to assume the imperial crown, or shall be summoned to the aid of the Roman church, for her protection, or the defence of her territories, more especially that of the kingdom of Sicily.[i]

Reception of Otto in Italy.

The reception which Otto IV. met with in the north of Italy was, notwithstanding his unqualified adoption of the formula and the oath, little calculated to reassure the Pope. By taking literally the pontifical counsels of conciliation and forbearance—

[g] The concordat of Worms (1122)—the *bête noire* of Rome. Though that instrument had passed under the approval and confirmation of pope Cœlestine II., his successors omitted no opportunity to ignore and vilify it.

[h] See p. 481 of this chapter.

[i] *Regist.* &c. ep. 189, pp. 762, 763. In allusion to the relinquishment of the right of the crown to take the personalty of deceased prelates, commonly known as the "jus exuviarum" or "jus spolii," and to take the revenues of vacant sees and great benefices, it may be observed that this right or abuse was a matter of ancient and universal practice. The jus spolii is supposed to have originated in the feudal right of the lord to provide, during vacancy, for the performance of the duties, due from the lands or endowments of the churches, until there should be a bishop or an abbot to discharge them; that is, until the new prelate should receive investiture of the temporalities. *Eichhorn*, Deutsch. Staats u. Rechts Gesch. § 327, vol. ii. p. 438.

meant, however, to operate in a totally different quarter[j] —his popularity with all classes increased with every day of his abode among them. But the gradual decay of the once-powerful Lombard league; the incessant brawls of the Guelfic and Ghibelline factions, and the changes in the government in some of the leading cities,[k] afforded a fair field for the imperial interference. The powerful chiefs, Eccelino di Romano and Azzo of Este were reconciled; and the city of Milan received him with open arms as the representative of the Guelfic interest, and the enemy of the Hohenstauffen, whom they hated. At Monza the iron crown of Italy was bestowed on him by acclamation; and the cities and vassals paid up with alacrity the dues and duties which had fallen into arrear since the death of Henry VI. Thus safe in the attachment of his Lombard subjects, the Emperor led his army into Tuscany; and here he set to rights and severely punished a variety of lawless doings which he found to prevail among the cities of the league—a first trespass *this* upon the protectorate of the Holy See, to which that league owed its origin, and still professed to be subject.[l]

Alarm of the Pope and the Romans.

The Pope, however, showed no signs of dissatisfaction. He advanced as far as Viterbo to meet the Emperor; and after a friendly interview departed for Rome to make the needful preparations for the reception and coronation. The army moved slowly towards the capital, and occupied the Janiculum and the church of St. Peter. But the fortified bridge over the Tiber was the limit of the advance; not an officer or soldier was admitted within the city-walls. Innocent himself, attended by the usual cortège, went forth to the church of St. Peter; and there, after administering to Otto the sacred oaths already referred to, solemnly anointed and crowned him Emperor of the Romans. But by this time both the Pope and the citizens had taken the alarm. The unusual strength and

[j] See p. 492 of this chapter.

[k] Verona had fallen under the military government of Eccelino di Romano, and Ferrara acknowledged a master in the markgrave Azzo of Este.

[l] See chap. iii. p. 377 of this book.

numbers of the army encamped under their walls,[m] the stationary position it had taken up, and the frequent and bloody brawls that occurred between the rude soldiery and the inhabitants of Rome and the vicinity, were regarded with great jealousy and anxiety by court and people. The senators had all along objected to the coronation of Otto; and it was understood that a party in the Curia itself had expressed the same opinion.[n] After a short delay, to ascertain the Emperor's intentions, the Pope peremptorily required him, in conformity with his engagements, to evacuate the States of the Church. Otto indeed withdrew from the immediate neighbourhood of the city; but with no other view than to take up a line of cantonments where his troops might be better supplied than they could be on their former ground. Throughout the winter of the year 1209 his forces were distributed over the surface of the Patrimony proper and the bordering districts of Tuscany, to the great damage of the people of the country, and the increasing alarm of the Pope and Curia.[o]

The Emperor breaks his oath.

As, however, no specific time for the evacuation of the papal territories had been stipulated, the Pope could not as yet complain of an infraction of the coronation-oath. But the penalty of the bond to fortune, which was to secure the indissoluble union of church and empire, was now to be paid. After the expulsion of Marcuald, the markgrave Azzo of Este had received investiture from the Pope of the march of Ancona, and become thereby the sworn vassal of the Holy See. We may therefore conceive the astonishment and dismay of the pontiff on receiving the intelligence that the Emperor had conferred, and the Markgrave had accepted, investiture of that principality, and done homage for the same, without reserve, or even a passing notice, of the rights of the Holy See. As for the restoration of the Matildan estates, nothing more was heard or said about it. The cities within the limits of the duchy of Tuscany,

[m] The *Chron. Fossæ Novæ*, an. 1209 (ap. *Murat.* Ss. Rr. Ital. tom. vii. p. 889) calls it "magnum et inusitatum exercitum."

[n] *Raumer*, Hohenst. vol. iii. p. 159.

[o] *Chron. Fossæ Novæ*, ubi sup. p. 889; and conf. *Raumer*, ubi sup. p. 160.

though included by Innocent in the list of his late acquisitions,[p] and therefore subject to the stipulations of the coronation-oath, returned to their allegiance to the empire. Other baronies within the boundaries of the pontifical claims were bestowed on favourites and useful servants of the Emperor; and, to fill up the measure of his misdeeds, he publicly invested Count Diephold, one of the Pope's most formidable adversaries, with the duchy of Spoleto.[q]

In reflecting upon the controversy as it stood between the Pope and the Emperor we find scarcely a pin to choose between the moral merits of either. The words of the oath conveyed to the Holy See the absolute sovereignty of the lands and territories expressed in the schedule of the document. But that these districts were part and parcel of the empire, was regarded by the Germans as a matter of public law. At his election the King had sworn to do his best to recover all the outlying, or illegally alienated estates and jurisdictions of the empire; and in conformity with his oath, we are told, Otto IV. had appointed a commission to search for and identify on their oaths all territories and jurisdictions which had at any time belonged to the crown. The Emperor therefore had ostensible ground to contend that no such construction should be put upon a second oath as should involve him in a breach of the first, unless previously discharged from it: but for such absolution he could not even apply without the sanction of his constituents; which, however, had not been asked for or obtained by him, or the Pope on his behalf: besides, it behoved the pontiff to take notice that the princes and free barons of the empire regarded its rights as equally sacred with those of the Holy See; consequently it could not be understood, that in admitting that see into possession of the territories in question the Emperor had parted with sovereign rights he had no power to alienate: if, therefore, an oath had been

Conflicting oaths.

[p] *Gesta*, &c. §§ cxxiv. cxxv. p. 80.

[q] *Chron. Fossæ Novæ*, ubi sup. an. 1209, pp. 889, 890; *Sicardi* Chron. ibid. an. 1209, p. 622; *Rich. de S. Germano* Chron. an. 1209, 1210, ibid p. 983.

extorted from him, involving him in a charge of perjury, it was the Pope's doing, not his.

Otto disregards the menaces of the Pope.

But if Otto had acted with good faith in his dealings with pope Innocent III., he probably never would have been emperor. It is not likely that his German constituents would have permitted him to apply for absolution from his election-oath, or would themselves release him; much less that Innocent would have adopted his cause without security for his conquests in Central Italy. When ambition and conscience are thus deliberately set at variance, it is easy to surmise which scale will preponderate; and the Pope must share the guilt of the perjury which he had encouraged for the promotion of his own schemes of territorial aggrandisement. At all events the view which Otto IV. and his court took of their own position was clearly expressed by acts which were stigmatised by Rome as damnable usurpations. In vain the pontiff warned the Emperor that he was leaping blindfold into the gulf of perjury: in vain his more prudent advisers cautioned him against making an irreconcilable enemy of the Pope: Otto might, with some show of reason, urge that he had never known the value of the concessions extorted from him till he saw them; and might plead a kind of natural equity not to be strictly bound by a contract made in ignorance of the nature of the consideration demanded by the Pope for his support, and obtained under pressure of extreme danger and distress. Upon grounds such as these the Emperor stoutly denied the perjury imputed to him, and expressed his resolution that the rights of the empire should not suffer in his hands.

Innocent threatens him with the fate of Nebuchadnezzar, &c.

On the other hand, the Pope had flattered himself with the certain prospect of turning the imperial forces to profit in securing and enlarging his acquisitions. He did not deign to ask himself the question, whether it was reasonable that the Emperor should expend his funds and the blood of his subjects for the gratification of the temporal ambition of a foreign priest, without a prospect of remunera-

tion or indemnity? "Nay, but," said the priest, "you have sworn to the Church to do her bidding—the Church that made you what you are: she has performed *her* part; it is now for you to perform *yours:* take warning by the fate of Nebuchadnezzar, who was cast out of human society, and condemned to feed with the beasts of the field, for putting his trust in the strength of his power: remember the fate of your predecessor Frederic I., who, for the like offence, was condemned to perish before he set foot upon the holy ground; think of his sons doomed to die off with awful suddenness: verily, if you persist in the like iniquity, you too shall be speedily overtaken by the vengeance of the Church: God shall destroy you, and tear out your root from the land of the living."[r]

Indifference of Otto to the papal thunders.

The Emperor, in reply to this fulminating address, expressed his surprise that the Pope should have thought fit to envelope his censures in such an amplitude of words. "To all these prolixities," he said, "he had no other answer to make than that he was not sensible of having done any thing to deserve the displeasure of the Church: he had not encroached upon the *spiritual* authority which properly belonged to her; which authority he unfeignedly desired should not only be unabridged, but be strengthened and extended by the imperial influence: on the other hand, the Pope ought to know that the Emperor had plenary power in all temporal affairs, and that in such matters he (the Pope) had no right to interfere; the hand which administered the holy sacraments hath no power to punish crimes; therefore to the Emperor alone it belonged to govern in all worldly affairs *over the whole extent of the empire.*"

Otto invades Apulia against the prohibition of the Pope.

But the revolution which had placed Otto upon the throne had enabled him to form a correct notion of the views held by his estates on the matter of the coronation-oath. The unfailing support they afforded him in the maintenance

[r] Raynaldus seems to have overlooked this characteristic letter. *Raumer*, vol. iii. p. 162, quotes it from a Ms. *Vatican Codex*, No. 4957, 1, 2; and with it the reply of Otto IV.

of rights wholly at variance with his engagements to the Holy See prove that, in that view, the latter engagements, if worth any thing, were merely personal, and must merge in the great duty cast upon him as head of the empire.[8] That duty, as it stood in the opinion of his subjects, and in the letter of his election-oath, was to reëstablish the imperial supremacy in every part of the empire; and the empire was held to comprise the entire kingdom of Italy in the same sense as any circle of Germany. Otto IV. accordingly turned a deaf ear to the remonstrances of the Pope; and, in the autumn of the year 1209, invaded Apulia with the avowed intent to recover the southern portion of the peninsula, and to grapple with his youthful rival on his own ground. At the close of the campaign, the whole country between the frontier of the Patrimony and the city of Naples was reduced; and the army took up its quarters at Capua, preparatory to the prosecution of the war in the south and the invasion of Sicily, which was to put an end to the long-standing feud between the Ghibelline and Guelfic parties, by the ruin of the last of the Hohenstauffen.

The Emperor's treasons to the Church denounced.

Upon the first intimation of the Emperor's designs, pope Innocent shut himself up within the walls of Rome. He refused a personal conference proposed by Otto with a view to dissipate the Pope's fears, or perhaps to extort a

[8] The popes have on several occasions availed themselves of this doctrine of the merging of personal obligations in duties of higher obligations. Thus, extorted treaties, or such as were reluctantly entered into by individual pontiffs, were supposed to merge in the great duty of defending the possessions and prerogatives of the Holy See from secular encroachment. On this plea the court of Rome repudiated the concordat of Worms and the treaty of Ponte Mammolo; and rescinded the compact with the king of Sicily in respect of ecclesiastical appointments. Otto may have acted the part of a knave by taking an oath he had no power, perhaps no intention, to keep; and his supporters may have involved themselves in the like criminality by their connivance. But it is pretty clear that, in the national opinion, the whole affair between him and the Pope, prior to his elevation to the throne by the act of the Germanic constituency, was a *party transaction*, with which they as a body had nothing to do: what might have passed previously between the candidate and the Pope was no concern of theirs: it was not their fault if the latter chose to impute powers to the former which he did not possess: such a mistake could not discharge the Emperor from the duty of doing his best to prevent the dismemberment of the empire.

consent to the dethronement of Frederic of Sicily.[t] But whatever may have been the object of the proposed negotiation, no confidence could be placed in any compact with Otto till he should have evacuated the peninsula. The unyielding character of Innocent III. disinclined him from any kind of compromise; and it was tolerably clear that the views of the court of Rome were by this time directed to the claims of the king of Sicily as an available counterpoise to the pressure of the imperial power.[u] All idea of negotiation was laid aside; and instead of it a solemn deputation, consisting of the archbishop of Pisa, and several bishops and abbots, conveyed to the Emperor a threatening admonition to "desist from his iniquities—to abstain from further persecuting the Church—to return to God with his whole heart, and live in future according to His law—to observe reason and justice, to obey the Church ; and to perform without delay all the covenants by which he had bound himself to the Holy See."[v] But in the interim the Emperor had thrown garrisons into the papal fastnesses of Aquapendente, Radicofani, San Quirico, Montefiascone, and other strong places within the limits of the Patrimony proper, and given unequivocal proofs of his intention to keep military possession, and dispose at pleasure of the whole estate of the Church. And now he had put the finish to his treasons by invading the Pope's vassal-kingdom of Apulia, with a view to the reduction of every inch of Sicilian ground to dependence upon the empire, from which the pontiff flattered himself he had effectually severed it.[w]

In these operations the greater part of the year 1210 passed away. All hope of bringing the headstrong Emperor to a better mind had vanished; and in the month of November of that year the Pope pronounced sentence of

Innocent excommunicates Otto, and absolves his subjects, &c.

[t] *Regist.* &c. epp. 193, 194, pp. 763, 764.

[u] Conf. *Raynald.* an. 1209, § 20, p. 284.

[v] *Raynald.* ubi sup., from a Vatican Ms. by one Jordanus.

[w] *Raynald,* ubi sup., quotes *Rigordus* De Gest. Phil. Reg. Francorum. He probably means *Gulielmus Armoricus*, the continuator of Rigordus. See *D. Bouq.* Histor. de Fr. tom. xvii. p. 84. He also quotes *Jordanus* as above ; but is very angry with *Matth. Paris* (Hist. p. 193) for justifying the proceedings of Otto.

excommunication against him; and shortly after absolved his subjects from their oaths of allegiance. Otto revenged himself by prohibiting all intercourse with Rome, and imprisoning and punishing all who resorted to the Pope for any purpose. In the spring of the year 1211, he again took the field, and speedily reduced the whole country as far as Otranto and Tarento; while forty Pisan galleys were collected at the island of Procida to convey him and his army across the Straits of Messina.[x] The Pope was no less assiduous in publishing the curse of the Church in the remotest corners of Italy. Otto IV. was defunct as Emperor in the contemplation of Rome.[y] The sentence upon him was extended to all his officers, aiders, abettors, and accomplices, and was ordered to be published by the archbishops, bishops, and their subordinates; and repeated in every church and on all occasions.[z] The citizens of Bologna were threatened with interdict, and "the removal of their university, for their adhesion to the tyrant of the Church."[a] The Pisans, who had supplied him with ships and soldiers, were the next victims of the spiritual sword. The Pope had, for some time past,[b] suspected the ambitious republicans of a design to make themselves masters of the island of Sardinia.[c] The islanders were now warned against the plot, and advised to avoid all intercourse with the piratical allies of the deposed Emperor.[d]

Effect of the sentence: perplexity of the Pope.

It is probable that the effect of these appalling denunciations was not altogether unfelt in Germany, where a strong attachment to the family of the Hohenstauffen was entertained in many quarters; and where, of course, the rejection of Otto by the Holy See must operate advan-

[x] *Raynald.* an. 1210, §§ 1-3, pp. 291, 292; and an. 1211, §§ 1 and 2, p. 306. The industrious annalist has here collected, *verbatim*, all the authorities bearing on these transactions; *e.g.*, the *Chron. Fossæ Novæ*, *Matth. Paris*, and the *Epp. Inn. III.* lib. xiii. and xiv.

[y] In all subsequent documents he is called "Otto dictus imperator;" *i.e.*, pretender to the empire.

[z] *Epp. Inn. III.* lib. xiv. ep. 78, p. 539.

[a] *Ibid.* ep. 79, p. 540.

[b] *Ibid.* lib. xi. p. 171, May 1209.

[c] The island was regarded at Rome as a dependency of the Holy See.

[d] *Ibid.* lib. xiv. epp. 101, 102, p. 554.

tageously to the claims of the aspiring heir of that noble race. But, in the mean time, the position of the Pope was irksome and perplexing in the highest degree. Germany and Italy were at this moment apparently reconciled to the yoke of Otto: the loss of Apulia was an accomplished fact: political prospects showed no fulcrum for upheaving the government of the Emperor: the Saracens of Sicily had invited the arms of the Germans to deliver them from their present masters: no check remained to the progress of the invader but that which might be found in the vigorous, and not very trustworthy, stripling Frederic. The youth, however, had neither means nor experience to stem the tide of invasion; and was, moreover, suspected of entertaining a dangerous sympathy with certain obnoxious opinions of his ancestors respecting the limits between the spiritual and temporal powers.[c] He had begun to show symptoms of impatience under the state of pupillage to which the policy of Rome had reduced him. He had succeeded in removing the Pope's chancellor from the government, and was not disposed to show that deference to his consort, the princess Constantia of Aragon, which the Pope had expected when he made the match. Innocent, in fact, was reluctant to raise into power the descendant of a race whom he regarded with truly pontifical abhorrence; a race whom he had frequently and vociferously proclaimed the sworn foes of the Church; the deadliest enemies of sacerdotal supremacy. But, objectionable as was the choice, no alternative remained; Frederic must be made the instrument of his deliverance from present peril, even at the risk of raising up a more dangerous enemy to himself or his successors. The Pope could not, however, make up his mind to take that last leap, without a final effort to reclaim his late friend and pupil, and to impress upon him the peculiar danger of a position of which Innocent doubtless had received some intimation from his agents north of the Alps. He promised to forget and forgive

Frederic II.

Last attempt of the Pope to reclaim the Emperor.

[c] *Raumer's* comment upon *Epp. Inn. III.* lib. xiii. ep. 83, p. 453.

all the injuries and losses he and his subjects had sustained, if Otto would now, at the last moment, fulfil his engagements to the Holy See, lay aside his vindictive animosity against the French king, and desist from invading the kingdom of Sicily. Otto, however, was enthralled by the contemplation of the brilliant prospects before him. Sicily was his—in imagination: his heart was ulcerated by a sense of injury, and a desire of revenge upon the French enemy who had so persistently opposed him, and so lately expelled his uncle and ally, king John of England, from all his continental dominions. And now a narrow strait, a mile or two in width, was all that separated him from his hereditary foe; and there lay the fleet that was to waft him and his victorious host to certain conquest and inappreciable wealth.[f]

Insurrection in Germany.

Otto, as we have seen, was indebted for his throne rather to the staggering effect of the assassination of Philip than to any just appreciation of his merits. His demeanour in adversity was felt to have been mean and cringing; when in power, it was harsh and arbitrary: his throne was built upon an accident; and as a chance had elevated him, a similar casualty might effect his downfal. Men looked back with regret to the mild and liberal government of Philip, and regarded the proud and unamiable carriage of Otto with contempt and dislike. A strong sense of the national disgrace incurred by the Emperor had poisoned the public mind; he had sacrificed the national honour; he had submitted to the dismemberment of the empire. Besides, he had offended the superior clergy by his endeavours to abridge their luxuries and by rebuking their self-indulgence. They now cast in his teeth the breach of his engagements with the Holy See; thereby throwing into the shade the symptoms of vigour he had lately shown in retrieving the errors of his elevation. These discontents—in many respects the reaction of that restless spirit which had so largely contributed to his success—

[f] *Raynald.* an. 1211, from the Chron. of *Conrad of Ursperg.* See also *Chron. Fossæ Novæ*, in *Murat.* Ss. Rr. Ital. tom. vii.

afforded the means of effecting his ruin. In the actual disposition of all classes, the papal denunciations fell like a thunderbolt into a heap of combustibles. The blaze of insurrection flew from end to end of Germany. They who had hitherto been the firmest supporters of his throne, now became his most determined enemies. His former friends, the landgrave Hermann of Thuringia, king Ottocar of Bohemia, with the archbishops of Maintz and Magdeburg, took the field in open insurrection; and king Philip-Augustus of France held out prospects of speedy assistance to the insurgents. The Ghibelline party chose to regard the Pope's sentence of deposition against the Emperor as a revival of the rights of Frederic of Hohenstauffen. In the opinion of many that prince was still the crowned and anointed king of the Romans; and now that he was of an age and capacity to govern, the objection—as far as the national interests were concerned—to his resumption of the powers of the crown was removed. Two faithful vassals of his family were accordingly despatched with secrecy to the King at Palermo, with an urgent invitation to proceed to Germany without loss of time.

Invitation of the Germans to Frederic II.

Otto was made aware by these events of the imminence of his danger. Abandoning at once his projects of conquest in the south, he retreated to the north of Italy; with a view to the consolidation of his interests in that important portion of the empire. After satisfying himself of the continued attachment of the Guelfic cities and estates of Lombardy and Romagna, he appeared upon the stage of conflict in Germany, before any steps could be taken to impede his advance. The rebel princes and barons were unable to keep the field against the seasoned campaigners of Otto: Hermann was defeated, and Ottocar of Bohemia placed under the ban of the empire and outlawed: the friends of Frederic lost courage, and contemplated submission to the monarch who had at least defended the honour and integrity of the country, and was the affianced bridegroom of the presumptive

Success and sudden reverses of Otto IV.

heiress of the house of Hohenstauffen. Otto wisely availed himself of this hesitation in the enemy's camp, and hastened his marriage with Beatrix. But the bride died suddenly, four days after the wedding. As sudden as this event was the change in the Emperor's fortunes. The dissolution of his union with the daughter of Philip of Swabia snapped the last tie which bound the Swabian party to his banners. The disaffected clergy published his bereavement to the world as a visible judgment of Heaven for his treason to the Church. The Bavarians and Swabians slunk away in the night-time from the imperial quarters, and all the vassals of the vast estates of the Hohenstauffen once more turned their eyes towards the king of Sicily.[g]

Innocent III. transfers his patronage to Frederic of Sicily.

With his usual promptness of decision Innocent III. transferred his patronage to Frederic of Sicily; and despatched his agents to all parts of the empire to absolve the vassals from their oaths of allegiance to Otto, and to engage them in the interests of his new client. The risk he incurred was indeed serious, and the ultimate advantage uncertain. Innocent would have willingly avoided raising the descendant of the hereditary opponents of the Church to imperial power, if any alternative had remained. The last chance of recovering the conquests of the earlier years of his pontificate seemed to depend upon the success of Frederic. But the docility of the royal youth was as yet to be proved. The Pope, however, might reckon upon making a more lasting impression upon the mind of his inexperienced ward, than upon one who, like the Emperor, had been brought up in the school of violence and intrigue—the court of Richard of England. Yet if this crafty judge of the strength and weaknesses of human nature had studied more profoundly the character of the youth to whom he was about to trust his fortunes, he might have seen reasons for hesitation which would have shaken his resolution. Frederic, in truth, had more practical experience than at the age of eighteen lies within the grasp of ordinary men. But more than

[g] See *Raumer's* Hohenst. vol. iii., and *Pfister*, Gesch. v. Deutsch. vol. ii.

this—he was endowed with a finer instinct in dealing with the ministers and agents of government, and with adherents and subjects of all classes, than falls to the lot of many statesmen during a life of political activity. He was at the same time remarkable for comeliness of person, and a peculiar suavity of manner—a natural condescension—that appeared to proceed from an innate kindliness of disposition, and lent a charm to his intercourse with friends and adherents, which attached them to his service by ties perhaps equally strong with those of personal interest. Experience in the new sphere to which he was about to be transplanted was all that was wanting to convert the bold and enterprising youth into an able, a liberal, and far-seeing ruler of men.

General policy of the Pope.

In dealing with talents and dispositions of so unusual a nature Innocent might well deem measures of more than common precaution necessary. He might not expect to reduce such a person as Frederic of Sicily to the condition of the passive instrument of his designs; yet nothing short of the docility of servitude could qualify the Emperor of his choice for the task-work he had for him to do. At one time he believed that he had brought Otto IV. to a becoming state of mind. Subsequent experience might have convinced him that oaths and promises and professions were but a feeble bulwark against the fierce impetus of personal ambition and political interest. Nothing was further from the thoughts of Innocent than the idea of accommodating the interests of the church with those of the state; for such a scheme implied a compromise—a principle of give and take—utterly at variance with the essentially despotic system of which he was the minister. Yet he had no other instruments to work with than those he had hitherto employed with such indifferent success. It was therefore to be seen by what new precautions the disappointments he had met with might be avoided.

Frederic II. sets out for Germany.

At the pressing solicitation of his friends in Germany, and with the earnest encouragement of Innocent III., king Frederic determined upon a bold venture to vindicate his rights in the

land of his ancestors. Disregarding the remonstrances of his consort and his ministers, he took leave of his court and country.[h] At Rome he was received with open arms; and in return for an ample acknowledgment of the supremacy of the Pope over all the provinces constituting the kingdom of Sicily, he was assured of the hearty support of the Holy See. His journey towards the Alps was attended with dangers resembling those encountered by his grandfather Frederic Redbeard after the disasters of the year 1167.[i] But with the aid of the few remaining Ghibelline partisans he was enabled to slip round the hostile cities, and by striking into the wildest passes of the mountains to reach the friendly city of Chur, in the country of the Grisons. At Constance the vassals of the Hohenstauffen family did homage to him in a body. From this moment his scanty retinue swelled to an army. Skirting the western frontiers of Germany, he reached the city of Toul, and there concluded with the dauphin of France a treaty of alliance with that kingdom against Otto IV. and his kinsman king John of England.[j] With the exception of the north-western provinces, the princes of Germany hailed Frederic II. as their legitimate king. But in the former districts Otto IV. still retained numerous adherents, more especially in the Netherlands, where he was supported by the earls of Brabant and Flanders, and stood in easy communication with his uncle and ally, the king of England. For the present Frederic was too much engaged in settling the relations of the kingdom to the great vassals and the Church to pursue his adversary to his last asylum. At a great diet of the empire held at Eger, in Bohemia, in the month of July 1213, he adopted all the engagements towards the Holy See as subscribed by Otto IV.—he promised absolute freedom of election: he admitted an unlimited right of appeal to Rome: he abandoned the "exuviæ" or "jus spolii" of deceased prelates:

His arrival, and recognition as king of the Romans.

He confirms the engagements of Otto IV. to the Holy See. Great council at Eger.

[h] On the 18th March 1212.

[i] Conf. Book xii. c. v. p. 147.

[j] *Origines Guelficæ*, vol. iii. p. 816.

he vowed his most strenuous support to all measures for the extermination of heretics and heretical pravity: he surrendered to the Roman church all the lands and territories she had recovered from his predecessors, and swore to protect her in the perpetual enjoyment of the same, and to recover for her by force of arms every part and portion of her claims not yet reduced into possession. In this instrument was embodied a schedule of these claims, including all the territories specified in the coronation-oaths of Otto IV.,[k] with the addition of the islands of Corsica and Sardinia; an extent of territory comprising, besides these, Sicily, and nearly the whole of Italy between the Faro of Messina and the river Po. All these acquisitions, "and whatever others might then or thereafter be found to belong to the Apostolic See," he swore without reserve, "*by and with the counsel and consent of the princes of the realm there in diet assembled, effectually to surrender, confirm, and give up to the Holy See and pope Innocent:*" and all these things he covenanted to do and perform like a good son of the Catholic church, as witnessed by the bishops, princes, and barons of the empire at Eger, on that 12th day of July 1213.[l]

Character and legal effect of the charter of Frederic II. to the Holy See.

It is to be observed that in this document the two striking defects in the previous covenants of Otto IV. were supplied. All doubt as to the nature of the surrender was excluded in terms too clear and close to be denied or explained away. The *paramount sovereignty*—as under-

[k] The whole country from Radicofani to Ceprano, the marches of Ancona, the duchy of Spoleto, the lands of the countess Matilda, the county of Bertinoro, the exarchate of Ravenna, the Pentapolis, Massa and the adjacent country, with all their jurisdictions, &c., excepting the "fodrum" or coronation-purveyance.

[l] The instrument purports to have been written by the hand of Berthold de Tuffe, prothonotary of the Aula Regia; and to have been witnessed by three archbishops, four bishops, by king Ottocar of Bohemia, duke Louis of Bavaria, duke Leopold of Austria, Hermann of Thuringia, Albert of Eberstein, and three other counts of the empire, the burggrave of Magdeburg, &c., in all nearly twenty persons, representing the Hohenstauffen party in the diet. The authors of the "Monumenta Germ. Hist." *Leges*, vol. ii. p. 224, insert it among the genuine acts of Frederic II., with the remark, that it was edited for the first time by *Raynaldus* and *Goldast;* and that the editor of the article in the "Monumenta" had personally inspected and copied it at Rome from the original in the Vatican library: that he found the golden bulla or seal wanting, but that the silk ribbon to which it was attached remained; and that the parchment was in many places corroded by time.

stood in that age—over all the enumerated territories was as plainly conveyed to the Holy See as if an express verbal renunciation of the *dominium supremum* had been inserted. Then again, unless the instrument be treated as a forgery, it is equally clear that it contained a legislative cession formally sealed by the sovereign, and confirmed by the great council of the kingdom. But a more serious danger than those provided against in this treaty remained behind. It was feared that if the crowns of the empire and of the kingdom of Sicily should be united on one head, the Holy See might be crushed between a pressure from opposite quarters directed by the same hand. The character of vassal-king might be held to merge in the superior dignity of the emperor-king; and thus, by a side-wind, the Holy See might be defrauded of its rights. Experience had proved that no precautions could be too severe against the cupidity of the Germans; and that therefore a diplomatic separation of the kingdoms of Germany and Sicily was indispensably necessary to complete the security obtained by the treaty of Eger. It was important that before the sense of dependence upon the Holy See should be swallowed up in success and the insolence of established power, every effort should be made to secure the separation of the two crowns. To this end the young king was importuned by the papal legates at the great diets of Augsburg, Wurzburg, Ulm, and Strasburg, upon which last occasion king Frederic II.[m] confirmed the earlier covenants with the Holy See, and further agreed that as soon as he should obtain the imperial crown, he would abdicate the kingdom of Sicily in favour of his infant son Henry; that he would from that moment cease to use the title of king of Sicily, abjure all right of interference in the government of that country, and consent to the appointment of a regency by the Pope to conduct the affairs of the kingdom during the non-age of the prince: and it was further recited that the enactment was intended to obliterate all presumption of a pragmatic union of the

Scheme of separation of the crowns of Germany and Sicily.

[m] Four years after his arrival in Germany.

two crowns that might arise from their incidental union on the same head; a presumption which, it was declared, might thereafter operate to the great damage of the Holy See, as well as to the detriment of the successors of the Emperor-elect.[n]

This charter in fact contained an express verbal abdication of the *dominium supremum* over the kingdom of Sicily in favour of the Holy See;[o] and virtually an acknowledgment that that kingdom and its adjuncts had never formed any part of the empire; consequently that the severance could imply no infraction of public law, and was only intended to prevent any misconception that might arise as to the lawful supremacy of the Holy See within that kingdom and its components. This transaction completed the wonderful series of political successes achieved by pope Innocent III.; and we may now estimate the full extent of his acquisitions, and the price the Roman empire had to pay for the patronage of the holy Roman church. The dominions of that church must now be held to extend over the whole of central Italy south of the river Po, with the exception only of the duchy of Tuscany, or such parts of it as might not belong to the cities of the Tuscan league. The kingdom of Sicily, with the duchies of the mainland as far as the southern or south-eastern frontiers of the Patrimony proper, were diplomatically separated from the empire. The king had engaged to abdicate his hereditary crown, in favour—it is true—of his own infant son, but upon terms that must transfer, for a long series of years, the entire government of the country into the hands of a stranger, and deprived the parent even of the means of defending his son or his rights against the encroachments of the pontifical suzerain, or the assaults of foreign or domestic enemies. The honest and intelligent prince was sincerely bent upon keeping faith with the Church; he was grateful for the assistance

Abdication of the kingdom of Sicily by Frederic II. in favour of his son.

[n] See the document ap. *Pertz*, Mon. Germ. Legum, tom. ii. p. 228.

[o] "Ad quam (ecclesiam Romanam) solummodo ipsius regni *dominium* noscitur pertinere."

she had afforded him; but it might have been foreseen that, sooner or later, a sense of national and personal degradation, arising out of these humiliating engagements, would lead to a struggle to shake off the most burdensome of the trammels which his close connexion with the court of Rome had imposed upon him. Though it is not intended to advert in detail to the particulars of the conflicts which embittered the later years of the reign of Frederic II., enough will appear hereafter to show the inconvenience, even to the stronger party, of pushing its advantage to extremities, and thus planting in the heart of the weaker the sting of disgrace and humiliation, without previously reducing it to a state of defenceless prostration.

Final ruin of Otto IV.

After the success of the great *coup de main* executed by Frederic II., the civil war in Germany was allowed to languish. The southern, eastern, and midland estates acknowledged him as their legitimate king without reëlection. But Otto IV. still retained a powerful body of clients in the northern and north-western circles. Frederic himself was too much engaged in reorganising his government to permit him to bestow closer attention upon the movements of his rival. Meanwhile the latter in a great degree relieved him from that trouble, by directing his arms against king Philip Augustus of France, against whom he had from his youth conceived the bitterest animosity. It is true that the king had lent his best aid to the Swabian party, both by alliance and the advance of a considerable subsidy; but he had not hitherto taken any military steps which could materially affect the emperor's position. Yet, under the spur of vindictive passion, Otto regarded Philip as the real author of all his misfortunes. He affected to believe that a decisive blow struck in that quarter would at once relieve him from his difficulties in Germany: and, with the support of the princes of the north-western circles, themselves equally jealous of their powerful and encroaching neighbour, he assembled the largest army which Germany had ever yet sent forth, and advanced towards the frontiers of France. On the 27th July 1214

he was encountered at the village of Bouvines, not far from Lille, by his vigilant adversary; and here the battle which decided his fate was fought. A sanguinary and irretrievable defeat drove him to take refuge in the hitherto faithful city of Cologne. But his hopeless poverty, and the excesses of his empress, soon disgusted these his last adherents; and he was driven to seek a precarious asylum in his hereditary duchy of Brunswick. He was in fact reduced to such a state of weakness that Frederic II. could afford to leave him in obscurity for the four remaining years of his life. A twelvemonth after the battle of Bouvines his competitor, who had just attained the age of twenty-one years, was crowned at the imperial city of Aachen as King of the Romans and Emperor-elect, in the presence of, and by the almost unanimous consent of, the constituency of the empire.[p] In the same year the general council assembled at Rome by pope Innocent III.—to which we shall hereafter have occasion to advert— affected to deliberate upon the merits of the rival claimants. Advocates were heard on either side; arguments alleged for and against the claims of the *de facto* condemned and deposed Emperor; but with no other result than a repetition of the sentence of excommunication and deposition of the late favourite, and a formal recognition of his enemy as Emperor-elect.[q] Thus Innocent III. once more re-asserted the theoretical right of the Pope to dispose of the crown of the empire. The pontifical judgment remained unimpugned by a single dissentient voice. Frederic II. had purchased his throne by the ostensible sacrifice of every principle for which his ancestors had for ages past contended. The political power of Innocent III. rested now upon a more solid basis than that of the most successful of his predecessors. He may be fairly said to have made two em-

Battle of Bouvines.

The cause of Otto discussed and decided at the general council of the Lateran, A.D. 1215.

Gains of Innocent III.

[p] The coronation took place on the 25th July 1215. *Raynald.* an. 1215, § 35, p. 385. Conf. the narratives of *Raumer*, vol. iii., and *Pfister*, vol. ii.

[q] *Rich. de S. Geron.* Chron. ap. *Murat.* vii. p. 989; *Raynald.* an. 1215, § 36, p. 386.

perors by the word of his power; and at the same time to have reduced into legal and permanent possession the widest extent of territory ever possessed by any pontiff either before or since.[r]

[r] We obtain from a document inserted by *Raynaldus*, eod. ann. § 39, p. 386, some glimpse of the mysterious question about the extent and situation of the estate of the countess Matilda. The Pope had enfeoffed the marquis Salinguerra of the "terræ comitissæ Matildis." The greater number of the places named in the deed of feoffment are found to lie within the districts of Bologna, Ravenna, Ferrara, and Imola. It is therefore no exaggeration to say that the dominion of Innocent III. extended from the river Po to the Faro of Messina.

CHAPTER VII.

INNOCENT III. IN THE WALDENSIAN PERSECUTION.

Persecution, &c., how far connected with our subject—The two principal points of connexion—Dispositions of the persecutors and the persecuted—Innocent III. a persecutor on principle—The churchman's view of heresy—Hatred of the heretics to the Church—Irregularities of the clergy—Projected reforms—Virtues of the heretics ; how treated—Earliest edict of Innocent III. against the heretics—First fruits of the decree—Heresy in Italy—Religious disturbances at Orvieto—Heresy in Viterbo—Edict against the heretics—Publication of the edicts against heretics in France—"The Church in danger"—Political and religious state of the South of France—Ineffectual attempts to put down heresy in Languedoc—Measures of Innocent III.—The legates disarm Raymond of Toulouse—Diego of Osma and friar Dominic—Peter de Castelnau excommunicates count Raymond—Labours of the inquisitors—Exasperation of Innocent III.—Insolent letter of the Pope to count Raymond—Intimidation of Raymond—A crusade published—Murder of Peter de Castelnau—Rage of the Pope—Denunciations—Indulgences—Organisation of the crusade—Submission of Raymond ; and conditions of pardon—The Pope recommends *pious fraud*—Intent to depose count Raymond—The Count insnared into confession and penance—His penance at St. Gilles, and absolution—Advance of the Crusaders—Massacre of Beziers—Simon de Montfort the vassal of Rome for the viscounty of Beziers—Raymond again excommunicated—The inquisitor Arnold recommends the ruin and death of Raymond—Appeal of Raymond to the Pope—The legates set aside the papal rescript ; and refuse to hear the Count in his defence—The crusade and its results—Consolidation of the crusade—Deposition and destitution of count Raymond—Innocent III. ratifies the decree of destitution—The crusade a war of conquest—Innocent III. rebukes the ambition of Simon de Montfort and the legates—Evasive management of Innocent—The inquisitors and the bishops recommend the destruction of Toulouse, &c.—Intercession of the king of Aragon rejected—Position of the Pope towards the crusade—The Pope reproves the king of Aragon for falsehood, &c.—Peter of Aragon takes the field against De Montfort—Defeat and death of Peter—Rebuff to Simon de Montfort—Submission of the excommunicated nobles—Retirement of Raymond—Perpetuation of persecution—Simon de Montfort count of Toulouse—Character of the crusading movement as it concerns the promoters. [Note.]

THE labours of Innocent III. for the suppression of heresy—in other terms, of *any form* of dissent from the

Persecution, &c., how connected with our subject.

Roman church—are not perhaps so closely connected with the political progress of the papacy as to call for the same detail in the treatment, as the more direct and immediate causes of the marvellous expansion of the papal power during the sixteen years of this pontificate. We are therefore under no obligation to enter, otherwise than very generally, into the revolting particulars of massacre, depredation, and cruelty, which—whatever the subjective merits or demerits of the actors in the great tragedy—were the inevitable results of the consequential execution of the pontifical plan for the extirpation of heresy. These results are identical in character with those which invariably attend religious persecution; though in the case before us they are of such preternatural enormity as to leave little doubt on the minds of men of ordinary moral sensibility—without distinction of Romanist or Protestant—of the guilt of the perpetrators, and of the dangers of that inexorable dogmatism upon which in most instances the system of sacerdotal government is founded.

The two principal points of connexion.

Without, therefore, dwelling on the revolting details alluded to, we find that, in the course of the transactions which led to them, a light is thrown upon one or two topics connected with the subject of our narrative of sufficient importance to call for a separate, and, perhaps, rather more particular notice than was originally contemplated.[a] The first point to be regarded in the Albigensian "persecution"[b] is the organisation and establishment of *the tribunal of Inquisition*. The next in importance to this is *the diversion of the arms and armies of the cross to the overthrow of a religious movement which unequivocally threatened the extinction of Latinism*, and, with it, of the power, both ecclesiastical and political, of the church of Rome. Upon this point neither the persecutors nor the sufferers permitted any doubt to rest. If there ever

[a] Conf. Book xii. c. vi. p. 192.

[b] We use the identical word by which the pontifical advocates themselves describe the transaction.

was an instance of religious schism being set at rest by compromise—we do not recollect any such—Rome had carefully provided against the possibility of that mode of pacification. On the other part, the seceders staked their existence, temporal and spiritual, upon the downfal of Latinism, and the assertion of unbounded liberty of religious opinion and speculation. With such dispositions no parley could lead to any pacific issue. The disparaging opinion of human nature entertained by Innocent III. prepared him for the adoption of the extremest measures to rescue a race, whom he deemed so utterly corrupt and degraded, from the doom which awaited them.[c] In his character as Pope he was the depositary of the powers by which God Himself conducts the government of the world. Every corrective dispensation of Providence to be collected from the sacred writings became a precedent and an authority for resorting to the like expedients in his imaginary warfare with the powers of darkness. In that warfare he took no heed of the law written in his heart; he had emancipated himself from those human weaknesses which might stand in the way of the stern commands of supposed duty. In the exercise of his vicarial powers he was no more to be controlled by human feelings and sympathies than He from whom those powers were derived. The divine government, as expounded by himself, was his only law; and in the interpretation of the law he presumed upon that superhuman intelligence—not to say that state of chronic inspiration—which he believed to appertain to his great office. But when, as in his case, these convictions fell under the guidance of a stern and passionate nature, they of necessity led to a systematic encouragement of some of the worst of those vices which he had so earnestly deplored and reprobated in the earlier years of his career.[d] The great principle upon which his theory of ecclesiastical government

Dispositions of the persecutors and the persecuted.

Innocent III. a persecutor on principle.

[c] Conf. ch. ii. p. 349 of this Book.
[d] In the treatise "De Miseria," &c., and in the "Dialogue," &c.: conf. c. ii. p. 349 et sqq. of this Book.

was founded lay in the proposition, that the whole benefit of Christian communion flows to the sinner through the church exclusively: by her intervention alone the souls of men are saved from the doom to which they are condemned from the mother's womb.[e] Every gift of atonement and pardon must proceed directly or ultimately from St. Peter's chair: out of the pale of the Church no virtue could live: the condition of the outer man was that of utter reprobation: Sodom and Gomorrah were his moral home; and the use of the like instruments of destruction not only lawful, but imperative upon him who stood in the place of God, "to root out, and to pull down, and to destroy and throw down, to build and to plant."[f]

The churchman's view of heresy.

Again, looking at the state of the dissenting bodies through his own spectacles, nothing could be more revolting to the churchman than the aspect presented by these associations. The so-called heretics of the thirteenth century could exhibit no common, no positive scheme of doctrine, discipline, ritual, or church-government: they could point to no centre of union: they were amenable to no spiritual authority—to no control that could impart a definite direction to the movement, so as to give confidence to those—if any such could be found—who might desire a reform of religious grievances. Now when the churchman saw that, in spite of this contemptible state of disorganisation, the heretical communities went on increasing in numbers — when he found his authority met by an insolent protest against the very being of the visible Church, and an audacious renunciation of her communion, we cease to wonder at the intensity of the passions called into activity; and—looking at the state of the case from a merely moral and secular point of view —our indignation at the enormities perpetrated in the name of religion, is converted into pity for an obliquity of conscientious conviction which could reconcile duty to God with a sanguinary hatred of His creatures.

[e] Conf. ibid. p. 353 of this Book.

[f] *Jer.* i. 10.

On the other part, the horror with which the secession inspired the Latin priesthood and their chief, was not more intense than that which Albigenses, Waldenses, Paterines, Bonhomii, and the numerous other sects into which the protesting body was split up, entertained against their religious tyrants. The principal centres of the great protest were the Provence, Languedoc, the whole of Narbonnensian France, and the bordering provinces of Spain; a region extending from the Loire in the north to the Ebro in the south. In all these provinces, more especially in southern Languedoc, these "emissaries of Satan," as they are branded by the pontifical writers, "were listened to with itching ears, while the ministers of the Church were treated with hootings and ignominy. . . . . A variety of sects of all shades and colours had so perverted the minds of the people that the bishops could no longer struggle against the prevailing evils."[g] This scornful treatment inspired the higher clergy with the more bitter resentment, as it was on all hands admitted to have resulted, at least in a great part, from their own irregular lives. Corruptions of the most scandalous description are confessed to have prevailed among the clergy from the highest to the lowest. Disgraceful pluralism, luxurious living, rapacity, pride, arrogance, had wholly alienated the regards of the laity, and unfitted the pastors for their sacred duties. Pope Innocent was well informed of this state of affairs in the infected provinces. He knew that he could not rely upon ministers of so tainted a character; and he earnestly resolved to prepare his measures for the extirpation of heresy by a thorough reform of those debilitating corruptions which disqualified his agents from taking up their proper positions in the pontifical line of battle. Orders of the severest kind were issued to his legates in France to put an end to these abuses, and to work out such an amendment of life and conduct among the clergy of all

Hatred of the heretics to the Church.

Irregularities of the clergy.

Projected reforms.

[g] So the Bishop of Carcasonne to the Pope. *Raynald.* an. 1199, § 36, p. 16; and see *Epp. Inn. III.* lib. ep. 494, p. 285.

ranks as should give the lie to those slanders which had thrown so fatal an advantage into the hand of their adversaries.[h] It was at the same time of importance to deprive the heretics of the ground they had won in the public estimation by the reputed purity of their lives as contrasted with those of the clergy. The fundamental error to be rooted out was the unhallowed resolution of the seceders[i] "to think for themselves." . . . "Such self-sufficiency, such sacrilegious obstinacy was not to be endured: and what, it was asked, did their vaunted charity, their gentleness, their diligence, their many good works amount to? They were worse than nothing; they were mere make-believe, to throw dust into the eyes of the ignorant and unwary; they were the simple lures of the Evil One; the outward form of godliness without the substance; these were the chapmen spoken of by the prophet, who mixed their wines with water; or as the Gnostic dreamers who, in the days of the Apostles, adulterated the Word of God with their own foolish conceits."[j] "It was abundantly clear," says the pontifical annalist, "that against a generation so profoundly possessed by the Spirit of Evil, the Word was powerless, and that by the sword alone it could be exorcised."[k]

Virtues of the heretics; how treated.

Since the decree against the heretics, published by Alexander III. in the great council of the year 1179, no very active steps had been taken for their suppression. In the first year of his pontificate, however, pope Innocent issued a decree, offering them the single alternative of recantation or death. Two Cistercian monks, Rayner and Guido, were appointed *inquisitors-general* of heretical pravity in France and Spain. The clergy and all the faithful were ordered to furnish them with the most precise information of the numbers, the dwellings, the teachings, and the practices of the heretics. Governors,

Earliest edict of Innocent III. against the heretics.

[h] *Epp. Inn. III.* lib. i. epp. 79, 80, pp. 43, 44.

[i] We do not repeat the terms of abuse with which the sectarians are stigmatized whenever they are named —such as wretches, caitiffs, miscreants, children of Satan, &c. &c.

[j] *Epp. Inn. III.* lib. i. ep. 94, p. 50; and ep. 165, p. 88.

[k] *Raynald.* an. 1198, § 36. p. 16.

nobility, people of every rank, were commanded to give their best assistance towards the detection and "persecution" of the seceders, and to execute the sentences of legates and inquisitors with promptitude and rigour: and when condemned, to drive them out of their dwellings, to expel them from the land; to seize their property to the use of the captors; and if any such should hesitate to depart, or ever presume to return, then to resort to "extreme punishment."[l]

By these measures some ground was gained against the heretics in France. Time and opportunity was afforded to unveil and expose to the eyes of a credulous generation the hidden vices, concealed under that outward show of godliness upon which the heretics had built up their fictitious reputation: it was of course discovered that all these virtues were hollow pretences.[m] At the same time, innumerable miracles were performed in confirmation of the doctrines most commonly denied by the heretics; more especially that of the eucharistic change, and the final reprobation of all seceders from the Church. A principal leader of heretical opinion had been hunted down, and consigned to the flames. Two dignitaries of the church of Nevers had been suspended on suspicion of heretical sympathies; and some of the principal inhabitants of the borough of La Charité in that district were delivered over to the secular arm.[n]

First fruits of the decree.

But at this period the Church was threatened with dangers, arising probably out of the same causes, nearer home. It is admitted that the north of Italy swarmed with heresy. Treviso, Verona, and Vicenza, declared themselves the enemies of Rome,

Heresy in Italy.

[l] Videlicet, the gibbet and the stake. See the decretal as quoted above, in ep. 94, p. 50, "Cum unus Dominus." No doubt is suffered to rest upon the meaning of the Pope's "extreme measures." "And thus," he says, "it shall be that the priests going before the ark of the covenant (the Church), and our Joshuas following with all the people crying aloud, the walls of this Jericho shall crumble before them . . . and if any one shall dare to carry away even the smallest fragment of the ruins, *he shall be slain with stones;* so that thus the murderers of men's souls may be brought to justice."

[m] See the account of the Bonhomii (Bonshommes), *Mansi* ad *Rayn.* an. 1198.

[n] *Raynald.* an. 1198, § 40, c. 42, pp. 17, 18, with *Mansi's* notes.

and ruthlessly plundered the clergy and churches of the vicinity.[o] But the defection was not confined to the north of the Peninsula. Orvieto and Viterbo—two important cities of the Patrimony proper, the one barely sixty, the other scarcely forty-two English miles from Rome—were reported to harbour great numbers of so-called "Manichæans." One Peter Parentius was delegated from Rome to carry into execution the general edict lately published by the Pope for the suppression of heresy.[p] At the suggestion of the Pope, that person had been appointed Podesta, or chief magistrate of the city of Orvieto; and, in conjunction with the bishop Richard, had seized the persons of many reputed heretics; he had scourged, imprisoned, and banished at pleasure; he had confiscated the property of the exiles, pulled down their houses, and reduced a multitude of peaceable citizens to ruin and destitution.[q] After the completion of his task Peter returned to Rome to give an account of his success to the Pope. But on his return to his government he was waylaid and put to death by the expatriated victims of the persecution: the posthumous honours of martyrdom were awarded to him, as in the case of Becket, and, some few years later, of Peter de Castelnau.[r] But subsequent events show that no great progress had been made by these severities in arresting the onward march of heresy, till it had advanced almost to the gates of Rome.

Religious disturbances at Orvieto.

A period of nearly eight years had elapsed after this first essay for the suppression of dissent, during which we hear nothing more about these Italian "Manichæans;" but in the year 1207 the city of

Heresy in Viterbo.

[o] See the description of these enormities, and the murder of the bishop of Belluno, in *Epp. Inn. III.* lib. ii. ep. 27, p. 346.

[p] This edict appears to have been published in the year 1199. It contained the substance of the more specific edict published eight years afterwards.

[q] "Thus," says the pontifical annalist, "did these valiant servants of the Church walk steadfastly in the royal road of duty, turning neither to the right hand nor to the left." *Raynald.* an. 1199, § 23, p. 45.

[r] Miracles in abundance attested the sanctity of Peter Parentius. When, after death, the corpse—for what purpose we are not informed—was asked whether it would return to life, it shook its head, and answered audibly, "No." *Raynald.* an. 1199, §§ 25, 26, p. 46.

Viterbo was reported to the Pope to be a common resort of those "miscreants." The scandal was so glaring that Innocent himself took the field. The heretics, however, obtained timely notice of his approach and took to flight in a body. All, therefore, left for him to do was to institute a searching inquiry after suspected persons; to exact heavy bail against future breaches of religious allegiance, and to pull down and to convert into dungheaps the dwellings of the fugitive sinners, so that the sites should remain, *in memoriam*, the receptacles for the filth and litter of the city for all time to come. The edict he published after the conclusion of his labours was in substance the same with that issued upon occasion of the religious disturbances at Orvieto in the year 1199; the principle of both was identical: *dissenters from the Roman church were to be treated as outcasts from the human family; to be deprived of all claim to human sympathy*, and delivered defenceless into the hands of those to whom the shedding of blood in the service of the Church was accounted a merit in the world to come; with the incidental advantage of a substantial profit in this world. It was accordingly decreed that the property of all heretics should be confiscated and put up to public auction; the proceeds to be divided into equal thirds between the delators, the municipality, and *the court by which the adjudication of heresy should have been issued:* every house in which a heretic might be found was to be razed to the ground, never to be rebuilt; the site to become a receptacle for ordure and filth, "as before then it had been a den of perfidy and treason:" all persons sympathising with, apologising for, defending, harbouring, or favouring a heretic were to forfeit one-fourth of their goods and chattels to the use of the commonwealth: all heretics were declared infamous and incapable of performing any civil offices, of transmitting property by will, or taking it by inheritance: advocates and notaries were forbidden to plead or act for them: they were to be scrupulously shunned by all men; and those who, after denunciation, should hold any intercourse with them were to incur the

Edict against the heretics.

like condemnation. Lastly, all secular princes, magistrates, and laity, who should either hesitate or neglect to carry that decree into execution should be constrained thereunto by every severity the Church or her lay coadjutors could inflict.[s]

Publication of the edicts against heretics in France.

The edicts against the seceders in the South of France were framed in the same spirit and in like terms with those directed against the Italian heretics. Those instructions were sent by the inquisitors Rayner and Guido to all the prelates of France in encyclical letters direct from the Holy See: all secular princes, lords, barons, and people were commanded, for the remission of their sins, and by all their hopes of salvation, punctually to obey the orders of the inquisitors for the "destruction and extermination" of the heretics; to drive them out of their domains, to confiscate their property; and if any such should linger in the land, to *seize and detain them for further and severer punishment:* but if any prince, baron, lord, or lay person should hesitate to expel and strip stark naked any persons pointed out to him as heretics, he shall be excommunicated, and his domains interdicted: to the faithful execution of such orders the same indulgences as those enjoyed by the devout visitors to the shrines of the apostles Peter and James were to be annexed: on the contrary, all who should afford shelter, or hold communication with branded heretics, or encourage them in their perversity, should be adjudged accomplices, and suffer the same punishment.[t]

And in truth the French clergy had sufficing reason

[s] *Epp. Inn. III.* lib. ii. ep. i. p. 335. The pontiff thought proper to explain the article inflicting corruption of blood as follows: "Inasmuch as secular laws, after capital sentence against traitors, always confiscate their property, and *only spare their children out of compassion;* how much more ought they who are convicted of treason against God to be cut off; such treason being a far more heinous crime than treason against the state. Nor should the execution be staid or impeded *by any sentiment of commiseration for the children* of such traitors, seeing that not only by human law, but in many cases recorded in the divine law, the children are punished for the sins of their fathers; and seeing also that, by the canon law, whenever condign punishment is inflicted, *it shall fall not only on the criminal himself, but upon his descendants.*"

[t] *Ibid.* lib. i. ep. 94, pp. 50 to 53.

to utter the cry of "the Church in danger." The nobility and laity generally not only took no pains to suppress dissent, but permitted and encouraged heretical preachings; the pastors were allowed to hold their conventicles when and where they liked; to possess property, and to have public cemeteries within their lordships. Such was the contempt into which the established clergy had fallen that no tonsured clerk could show himself in public; and—worse than all—the mortuary gifts and bequests which had hitherto formed so essential an article of clerical gain, now flowed into the funds of the heretical preachers instead of those of the clergy. In some dioceses the refusal of the laity to pay tithes had reduced the bishops and clergy to indigence. The domains of the count of Toulouse, the viscount of Beziers and Carcassonne, the counts of Foix and Comminges, and the lord Gaston de Bearn, were the principal seats of religious rebellion. The midland districts of France, especially the Nivernois, were similarly infected: in the kingdom of Aragon, at the same time, the sectarians were making formidable progress.[u] While the Nivernois was suffering under the visitations of Guido,[v] his colleague Rayner laboured with the like success in Aragon.[w] In the year 1199 Peter de Castelnau, archdeacon of Maguelonne, was joined with Rayner and Guido in the inquisitorial commission; and with him an improved code of persecution was imported from[x] Rome.[y]

"The Church in danger."

The city and county of Toulouse were regarded as the proper focus of heretical pravity. Towards the close of the year 1194 Raymond VI. had succeeded his father in the govern-

Political and religious state of the South of France.

[u] *Hist. de Languedoc*, tom. iii. liv. 21, pp. 229, 230.

[v] Between the years 1198 and 1200, fourteen persons were burnt to death for heresy at Nevers. *Hist. de Lang.* ubi sup.

[w] Where the prevailing sects seem to have been the Waldenses, sometimes called 'Sabbatati' and 'Poor of Lyons.' *Fleury*, Hist. Eccles. tom. xvi. p. 12. Rayner procured an edict from king Pedro II. expelling all heretics from his dominions, and directing his officers to confiscate their goods, and, if found lingering, to burn them alive.

[x] *Hist. de Lang.* ubi sup. pp. 131, 132.

[y] A short digression in the shape of a note upon the religious tenets of the persecuted sects, though not necessarily connected with our subject, may be acceptable to certain classes of readers. We add it at the end of this Book.

ment of the city and county of Toulouse as vassal-princes of the crown of France. His domain comprised one of the richest portions of the kingdom. It was inhabited by a peaceful and a wealthy community advanced beyond the rest of Europe in the arts of life and in general civilisation. As in all the provinces in which the Provençal and its cognate dialects were spoken, the seceders from Rome in that region constituted the mass and the flower of the population. The industrious habits of the people contributed to swell the revenue of the prince; and, by strengthening the hands of the sub-vassals and gentry, increased the power and influence of the superior lord. The progress of mental culture had for a long time past made them impatient under the pressure of sacerdotal formalism. The religious rebellion in these regions was now of almost a century's standing; and although the pontifical edicts against heresy, from the ages of Innocent II. and Alexander III. down to the later ordinances of Innocent III., had been over and over again proclaimed to the princes and people of Languedoc, they had met with little attention and no success. The merciless sacrifice of the most thriving and industrious classes of the population demanded by the Church, involved that of their own interests, their revenues, and their affections. It was obvious that such a body of resistance could only be overcome by the process of extermination; and to this process the supreme pastor of Christ's flock did not for an instant hesitate to resort. The administration of this pungent remedy was intrusted, with a proper discrimination, to men unacquainted with pity or remorse in the execution of the commands of their superior. At Toulouse, however, the merciless Peter de Castelnau and his associate friar Ralph met with an inert resistance from the reluctance of all ranks of the laity, and the jealousy of the provincial clergy, which neutralised all their efforts in favour of the pontifical reforms.[z] It was obvious

Ineffectual attempts to put down heresy in Languedoc.

[z] The inquisitors took upon them the sole jurisdiction in the matter of heresy, and regarded bishops and clergy as the simple instruments or executive officers of the court of inquisition; the bishops, on the contrary, contending that the jurisdiction in questions of heresy belonged canonically to their order.

that no progress could be made without increased powers from Rome, and the removal of a half-hearted and suspicious prelacy. As a first step towards the more perfect adaptation of the episcopal body to the purposes of the inquisition, the archbishop of Narbonne, primate of the province, was accused of sympathy with the heretics, and of setting the example of a dissolute life to his clergy; upon which charges he was excommunicated and deposed.[a] The Pope enlarged the powers of his commissioners, and associated to them the prior of the Cistercian monks, Arnold, whom he sent on a special mission to the king of France, to stimulate him to active personal participation in the execution of the decrees against the heretics of his dominions,[b] and to urge his interference to compel his reluctant vassals to lend themselves and the services of their fiefs unreservedly to the execution of the orders of the Holy See, and the extirpation of heresy from the land.

Measures of Innocent III.

The next step in advance was, if possible, to disarm Raymond of Toulouse. The legates, anticipating the desperate struggle of the Count to escape the appalling task assigned to him, felt the necessity of reducing his powers of resistance. With that intent, they importuned him to dismiss from his service the bands of mercenary soldiers which, like many of the greater feudatories of France and Italy, he had for some time past been in the habit of retaining in his service. By the churchmen these mercenaries are described as mere cutthroats and banditti; a character which they probably too well deserved when not engaged in some special service. Raymond was equally anxious to preserve his character for orthodoxy and to spare the blood of his subjects. With a view to put off the evil day, he indiscreetly listened to the demands of the legates: he disbanded the mercenaries, who were probably largely recruited from the ranks of his heretical subjects; and promised to banish them, and all convicted

The legates disarm Raymond of Toulouse.

[a] *Hist. de Lang.* ubi sup. p. 136.

[b] A.D. 1204. The Pope, in this and the following year, wrote several letters to king Philip Augustus for this purpose. *Epp. Inn. III.* lib. vii. epp. 201, 212, 243; *Hist. de Lang.* ubi sup. p. 138.

heretics, from his domains. It was, however, still in his power to interpose delays; and to this miserable policy he resolved to trust. The inert resistance of the jealous prelates remained to be overcome. The archbishop of Narbonne had been already got rid of; and now the bishops of Toulouse, Beziers, and Viviers, were deposed, on the ever-ready charge of sympathy with those heretics, in respect of whom, probably, they entertained no more charitable feelings than the inquisitors themselves.[c]

Diego of Osma and friar Dominic.

Yet these successes had but a gradual, almost imperceptible, effect in overcoming the reluctance even of the most orthodox of the laity to embrue their hands in the blood of their fellow-subjects. The prospect before the legates was still discouraging: the count of Toulouse was the great obstacle to the scheme of extermination; and, but for the casual arrival of two new coadjutors in the persons of the zealous Diego de Azebez bishop of Osma in Spain, and the subprior of his church the notorious Domingo or Dominic, afterwards the founder of the order of Preachers, they would probably have thrown up their commissions in despair. Urged forward, however, by the fresh enthusiasm of their new associates, they took staff in hand, and, after the primitive fashion of the Apostles, wandered forth barefoot, without scrip, or wallet, or money in their purses, preaching and disputing with the heretics in those places where they were known most to abound within the county of Toulouse. All this, however, with but indifferent success. At Beziers, Peter de Castelnau parted company, and devoted himself to the task of putting an end to those feuds in the country which had hitherto contributed no little to divert the attention of the nobility from the great work of purification. But neither threats nor promises could prevail upon Raymond to suspend his hostile operations against his Provençal enemies, nor to take a step towards the redemption of his former pledges. Accordingly, in a fit

Peter de Castelnau excommunicates count Raymond.

[c] *Hist. de Lang.* ubi sup. pp. 138, 140.

of uncontrollable anger and disappointment, Peter excommunicated the Count, and laid his territories under interdict.[d]

Labours of the inquisitors.

Assuredly pope Innocent III. had chosen his instruments with all his usual discernment. While Peter de Castelnau was working the ruin of count Raymond, Diego and Dominic were busily engaged in a religious reconnaissance of the whole area of heresy, more especially of the districts of Narbonne, Carcassonne, and Beziers. In June 1207 they were reinforced by the Cistercian prior Arnold, with twenty monks of his convent. Dividing themselves into small parties, the company completed the perambulation of the provinces of Languedoc, Roussillon, and Foix, but without making any great impression upon the heretics with whom they came in contact. Prior Arnold and his Cistercians retired from the work in disgust; bishop Diego and the prior Ralph died at their posts, leaving the whole burden of conversion upon the shoulders of the inquisitors Guy de-Vaux-Cernay and Peter Castelnau; with the aid, however, of the hard-headed, flinty-hearted, and methodical friar Dominic.[e]

Exasperation of Innocent III.

But with all these appliances, pope Innocent was sensible that little success had been obtained. Such small persecutions were not at all consistent with his absolute theory of government. The humane resistance of count Raymond to the cold-blooded cruelty contemplated against his unoffending subjects gave the greater offence to the Pope, as it stood upon grounds *morally* unassailable—because, in fact, it put the infallible Church upon her trial. In this temper he addressed Raymond in an epistle of vituperative insolence and arrogance, to which it would be difficult to find a parallel in the rich literature of

[d] *Hist. de Lang.* ubi sup. p. 146.

[e] This celebrated person had hit on a mode of conversion (more likely to lead to success than the brutal violence of the Cistercian inquisitors) by establishing throughout the infected districts a chain of posts, always useful both for supervision and for such occasional conversions as might be brought to swell the numbers of the spiritual staff he proposed to raise and organise on behalf of Rome. *Hist. de Lang.* ubi sup. pp. 148, 149.

mediæval invective. The feuds in which Raymond was involved with his neighbours on the left bank of the Rhone had no doubt borne hard upon the prelates of the Provence: but inasmuch as these dignitaries generally took their share in the petty warfare of the age, they could not reasonably complain that they were often treated as active belligerents. So secular a view of their position, however, struck at the root of the absolute immunity of the estate of the Church and the persons of churchmen from the incidents of secular warfare, contended for from all times by popes, councils, and clergy. Innocent III. was the last person to admit the apology. If suggested by Raymond, it was met by a burst of rage to which no words he could command could do justice. "Oh thou stiffnecked and pestilent sinner!" . . . . "thou baneful man!" . . . . "thou madman!" . . . . "thou impious and cruel tyrant!" Such are a few of the epithets lavished upon the reprobate Count. "Who are you, that, like the raven that feeds upon carrion, you should fatten upon bloodshed and thrive upon confusion? . . . Where now are your solemn oaths to drive out the heretics from your dominions? . . . Have you not devastated the province of Arles with your banditti?[f] . . . have you not desecrated the holy seasons, profaned the Lord's day, and violated holy places? . . . Not only have you protected heretics, but blasphemously boasted that you could find among them a bishop who could uphold his creed as well or better than the best Catholic. . . . Then again, have you not ruthlessly ravaged the lands of the monasteries, while you carefully spared those of the heretics? After all this, do you wonder that you are yourself suspected of heresy? or that you should have been cast out of the Church by our legates? For verily the Church can have no peace with the captain of freebooters and robbers—the patron of heretics—the contemner of the holy seasons—the friend of Jews and usurers—the enemy of the prelates and the Church!" The Pope, therefore, approves and confirms the sentence

Insolent letter of the Pope to Raymond of Toulouse.

[f] The Aragonese mercenaries heretofore alluded to.

of the legates; and apprises him that, unless he shall repent, and *that* speedily, he will not only deprive him of certain lands he is said to hold of the Holy See, but call upon all his neighbours *to rise up in arms against him* as "an enemy and persecutor of Jesus Christ and His Church;" and grant permission to all who should attack him *to retain for their own use all they might conquer from him:* "Nay," he exclaims, in the peroration of this thundering denunciation; "nay, but the fury of the Lord[g] shall not stop there: His arm shall still be outstretched against thee, until thou art crushed to dust and atoms: verily, He shall make thee to feel how difficult it is to withdraw thyself from the wrath thou hast called down upon thine own head."[h]

It seems to us, in reflecting upon the complicated series of events which preceded the great crusade against the Albigensian and Waldensian sects, that the pontifical curse had stricken count Raymond to the heart; and that thenceforward he had resolved to prove himself the obedient servant of the Church in all things but the slaughter of his peaceful subjects. He could not as yet bring himself to believe that his ruin was resolved upon in the counsels of his enemies; nor had he the discernment to perceive that his ejection, as well as that of the proprietors of all territories in which the heresies abounded, was a necessary condition of the scheme now in agitation for the overthrow of the religious rebellion. The pontifical decree for a general crusade against "the enemies of God and man" had gone forth from Rome. Philip Augustus was called upon to draw the sword. Encyclical letters were written to the princes and people of France, summoning them to the holy warfare, and granting to all combatants the same spiritual and temporal indulgences as those enjoyed by the soldiers of the Cross in Palestine.[i] These preparations, and the

Intimidation of Raymond.

A crusade published.

[g] We are strongly tempted in these compositions to substitute the word 'Pope' for 'God' and 'Lord.' But the reader may be left to his own discretion on the point.

[h] *Epp. Inn. III.* lib. x. ep. 68, pp. 38, 39.

[i] *Ibid.* lib. x. ep. 149, p. 86; *Hist. de Lang.* ubi sup. p. 153.

dextrous management of Peter de Castelnau, had thoroughly intimidated count Raymond. Still he could not be brought to take the active measures required of him. Peter and Dominic were called to his court at St. Gilles; complete satisfaction of their demands was again promised; but again, time was asked for, and difficulties interposed. The two legates took their departure with threatening gestures. Raymond, irritated by the harsh and insolent demeanour of the two priests, passed from a state of sullen irresolution to the opposite extreme of angry violence. He is reported to have threatened the lives of the legates, and to have declared that he would set a watch upon their steps wherever they went. On their road from St. Gilles to the Provence they had to take up their lodging for the night at a small hostelry on the banks of the Rhone, intending to pass the river the next morning. Accordingly, early on the 15th of January 1208, as they were preparing to embark, two persons, who had, unknown to them, lodged under the same roof during the night, approached Peter de Castelnau, and one of them transfixed him with his spear, inflicting a wound of which he died a few hours afterwards.[j]

Murder of Peter de Castelnau.

The murder of his legate threw Innocent into a frenzy of rage. The honours of martyrdom were decreed to the victim, and Raymond was denounced as the author of the crime. But the Pope had the sagacity to perceive, amidst the fury of his passion, that "greater advantage against the heretics would be derived from the death than from the sermons of the martyr." The curse upon count Raymond was reiterated, as the convicted author of the murder; and he added that, "inasmuch as *the sacred canons decree that no faith is to be kept with those who keep no faith with God*, all persons en-

Range of the Pope.

Denunciations.

[j] *Epp. Inn. III.* lib. xi. ep. 26, p. 147. There are various accounts of the murder. According to all of them, it arose out of circumstances very similar to those which caused the death of Becket. Conf. *Hist. de Lang.* ubi sup. p. 154.

gaged to him by oath of fidelity, association, or alliance, were thereby discharged from every such obligation; and exhorted not only *to persecute him personally, but to take possession of his domains, and retain them to their own use*, until they should have purged the land from every taint of heresy; unless, indeed, he shall, without a moment's delay, make peace with his neighbours, and drive out all heretics from the land.[k] Not an instant was lost in denouncing the crime and its perpetrators to the Catholic world. Every heart and hand was engaged to take vengeance for the *insult upon God* in the person of His servant; to defend the Church against Raymond, the traitor and the tyrant; to despoil him, his aiders and abettors, of their lands and goods; to chase the heretics out of the realm, and supply their places with Catholic inhabitants: for all which meritorious services he granted every indulgence, privilege, and immunity imparted to the soldiers of the Cross warring against the infidels in Palestine.[1]

Indulgences.

The preaching of the crusade was intrusted to the Cistercian order, under their fanatical prior Arnold of Fontfroid. The duke of Burgundy, the counts of Nevers, St. Paul, Auxerre, Geneva, Forez, and many of the superior nobles of France, inspired by the hope of earning the pardon of all their sins at the cheapest possible rate, and at the same time of enriching themselves with the plunder of the most productive regions of France upon the easy condition of shedding any amount of human blood that might be required of them by their spiritual directors, flocked to the standard of Arnold and his missionaries; and steps were speedily taken to concentrate the crusading forces on the frontiers of Languedoc. Simon de Montfort, earl of Leicester in England and count of Thoron, a soldier of fortune,

Organisation of the crusade.

[k] *Epp. Inn. III.* ubi sup.; *Hist. de Lang.* p. 155. Strange hypocrisy! 'Drive out,' 'expel,' 'confiscate,' are words used by the Pope to denote what was really meant—'destroy,' 'hang,' 'burn.' Some time afterwards, when his anger had abated, he exonerated Raymond from direct participation in the murder; and, indeed, the object of the legates was notorious enough at St. Gilles to suggest the crime to any hotheaded fanatic among the Protestants of the court or the town.

[1] *Ibid.* lib. xi. epp. 28 to 33, pp. 150, 161; *Hist. de Lang.* pp. 155, 156.

whose reputation for martial prowess had acquired for him the name of "The Maccabee," was intrusted with the general command of the army. At the same time the internal organisation of the scheme of conversion—or massacre, whichever might turn up first—was placed in the hands of Dominic of Osma, who now, or shortly afterwards, established the celebrated order of the *Friar-preachers* or *Dominicans*, to form a perpetual mission for the extirpation of heresy. Dominic himself was appointed the first general of this useful brigade of the church-militant.[m]

Submission of Raymond: conditions of pardon.

Raymond of Toulouse was wholly unprepared to meet the storm about to burst upon him and his dominions; and took refuge in submission. He sent a humble petition to the Pope, imploring pardon for all offences he might be deemed to have committed against the Holy See: Innocent condescended to entertain the petition; but on conditions that should have the effect of placing him in the position of a passive instrument; and certainly with the intent of using them for the purpose of expelling him from his dominions if it should suit the pontifical policy to get rid of him altogether. The first condition required was the surrender of *seven of his strongest castles* to the Pope as pledges for the due performance of all and every the orders he might receive from the Holy See or her legates touching reparation for his past transgressions, and the needful security for his future obedience; with reserve of many unnamed contingencies, upon the occurrence of any one of which the absolute forfeiture not only of the castles surrendered to the Holy See, but of all his territories and possessions whatsoever, should take effect. At the same time he hinted to his legates, significantly enough, at the means by which such a result might be facilitated. In all their dealings with the Count, as well as with heretics in general, they were instructed to keep the hands of the Church free to take any steps she might consider most

[m] *Hist. de Lang.* p. 156.

conducive to her interests: in cases of this nature, he observed, *the use of a little craft was both expedient and justifiable; and that in fact the craft resorted to in such cases ought rather to go by the name of prudence than guile.*[n] It would be prudent, therefore, not to direct the arms of the crusading army in the first instance against the dominions of the Count, but rather to divert his attention from the real object of attack, and prevent him entertaining any idea of resistance until the plan of the campaign should be further developed; "*so that, having thus deluded him by the wiles of a wise dissimulation*," they might be enabled to assail and destroy the enemies of the Church in detail.[o]

The Pope recommends *pious fraud.*

The letters and documents relating to this portion of our narrative raise a presumption, almost amounting to certainty, that a deliberate intent existed in the mind of the Pope—as we know it did in that of his legates—to deprive the hapless count of Toulouse of his principality. Some such step must indeed eventually have become necessary to enable him to carry out the scheme of satisfaction, and to redeem the extravagant promises held out to the crusaders. The terms of submission to be tendered to Raymond might in fact be *so framed* as to leave open every chance for the success of this fraudulent scheme. Innocent himself took a step towards its accomplishment strongly tinged—not to say tainted—with the guilt he had recommended to his legates. The Count, in utter disgust at the calculated insolence of the legates, requested the Pope to appoint in that capacity some one with whom he could deal with some degree of confidence and cordiality. The appointment was made; and the Count was given to understand that, provided only he abstained from all help or favour to his heretical subjects, he might count upon gentler treatment. But with all this, Milo the new legate was secretly in-

Intent to depose count Raymond.

[n] They were to bear in mind the example of the apostle Paul, who tells the Corinthians that "he (Paul) being crafty, had caught them with guile" (2 *Cor.* xii. 16): ὑπάρχων πανοῦργος δόλῳ ὑμᾶς ἔλαβον.

[o] *Epp. Inn. III.* lib. xi. ep. 232, p. 259; *Hist. de Lang.* p. 159.

formed that the "sole motive for his appointment was to allay the suspicions of the Count as to the designs of the legate Arnold, which he would not be likely to entertain in his case." Milo accordingly placed himself under the orders of Arnold, and was despatched by him upon a mission to the court of France, to urge the King to an active participation in the impending crusade. He returned unsuccessful; and was sent by the legate into the Rhone provinces, with instructions to convoke a council at Montelimart to arrange the terms of an ostensible reconciliation of the Count to the Church.[p]

The Count deluded into confession and penance.

When assembled, the council adjourned to Valence; and Raymond, relying upon the treacherous promise of more merciful treatment, appeared without apprehension at the latter city, about the middle of the month of June 1209. He agreed to the surrender of the seven castles without hesitation; after which the council further adjourned to the city of St. Gilles; and the Count, reduced by this time to infantine docility, was conducted by the legates to the vestibule of the abbey-church, where various holy relics were deposited upon a temporary altar. He was then stripped to the waist, while the several charges upon which he had incurred the excommunication were recited, and repeated by him after the legate. He was made to impeach himself of favouring heretics, and thereby incurring the suspicion of partaking their opinions: of retaining banditti, highwaymen, and felons in his service;[q] imprisoning and ill-treating bishops and clerks; violating feasts and fasts; breaking the truce of God; intrusting public offices to Jews; turning houses and churches belonging to monasteries into fortified posts; and levying undue tolls on the highways and bridges. To these articles were added, that he had exposed himself to a strong suspicion of having been accessory to the murder of Peter de Castelnau, by protecting and harbouring the assassins; that, in particular, he had imprisoned the bishop of

[p] *Hist. de Lang.* p. 161.

[q] They were known by various names, as, *e.g.* Aragonians, Coterelli, &c.

Carpentras, and destroyed the houses of the canons of the cathedral; that he had harassed religious persons; and exposed them to ill-treatment, and their property to plunder.

The Count spared himself the trouble of pleading to this notable indictment. He swore to submit implicitly to all orders to be made by the legates in the premises, and to make all such compensations as they should direct upon the unauthenticated presumption of his guilt. This outrage upon justice and common sense was consummated by an equally vile outrage upon his person. The inquisitor Arnold flung a rope round his neck, and grasping the two ends, led him from the vestibule into the body of the church, scourging him by the way on his naked shoulders with a bundle of rods. After the ceremony he received a qualified and conditional absolution, defeasible upon the minutest infraction of any order or command he might receive from Pope or legate; such infraction to draw after it *the absolute forfeiture to the use of the Holy See of the seven cautionary places*, and the territories he held as vassal of the Roman Church.[r]

His penance at St. Gilles.

These terms of reconciliation placed Raymond at the mercy of the legates: his only trust was in their forbearance; but the first order he received banished all hope that they would save him from the lowest depths of humiliation and distress. He was commanded to seize and keep in close custody the persons, lands, and property of all who should be denounced to him as heretics, or favourers of heretics, by the legates, the bishops, or their officials, and *to deliver them up to the army of the crusaders*, as a first instalment of pay and perquisites to these soldiers of the cross. Perhaps, with a view to elude this brutal order, Raymond with simulated alacrity took the cross, and joined the advancing army of bloodhounds at Valence. His nephew, the viscount Raymond-Berenger of Beziers, took a nobler, if not a more prudent, course.

Advance of the crusaders.

[r] The county of Melgueil, which the Pope claimed as a fief of the Holy See. *Hist. de Lang.* p. 164.

His chief cities of Beziers and Carcassonne lay in the direct route of the army, who, in conformity with the pontifical plan of the campaign, were in the first instance to establish themselves in the rich districts of Montpellier and Narbonne. The population of Beziers was almost entirely Protestant, and was of course destined to be the first sacrifice on the altar of orthodoxy. The Viscount threw himself into Carcassonne, and left Beziers, well provided and garrisoned, to the courage and resources of its citizens. But, on the third day of the siege, an imprudent sortie drew upon them the whole host of the fanatics; the city was taken by a *coup-de-main;* and a deliberate and methodical massacre of the inhabitants, under the presidency of the legates, was forthwith set on foot. Some thought that a distinction should be made between heretics and catholics; but that would involve a loss of time, and perhaps abate the zeal of the soldiery for the destruction of "God's enemies." The question was put to the legate Arnold, how the matter was to be managed; but he gave the laconic reply, "Kill them all; God will know his own."[s]

Massacre of Beziers.

We cannot witness without disgust in these transactions all the evil passions we are in the habit of ascribing to Satanic inspiration enlisted in the cause of God and His church. Fortunately it is no task of ours to dwell upon the many instances of human wickedness with which the history of the papacy—like that of every other scheme of conquest—abounds. After a few days' siege the city of Carcassonne, and with it the whole of the viscounty, fell into the hands of the crusaders.[t] Viscount Raymond-Berenger became the prisoner of Simon de

Simon de Montford vassal of Rome for the viscounty of Beziers.

[s] The authenticity of this anecdote has been disputed. But the ferocious joy of abbot Arnold in his account of the capture of Beziers and Carcassonne to the Pope affords a strong confirmation of the story. He raises the number of the slaughtered heretics to 20,000. "*Nostri, non parcentes ordini, sexui, vel ætati* . . . . factaque *strages permaxima*, spoliata est tota civitas et succensa, ultione divinâ in eam mirabiliter sæviente." *Epp. Inn. III.* lib. xi. ep. 108, p. 373. The city was taken on the 22d of July 1209.

[t] The greater part of the inhabitants, also Protestants, saved themselves by flight.

Montfort, and a few days or months afterwards was put to death in his prison. At Montpellier Simon was formally raised to the chief command of the crusading forces, and installed in the viscounty as a *feudatory of the Holy See*, by the payment of tithes and first-fruits to the churches, and of three denarii for every hearth to the Pope *as supreme lord*, together with all fines which should accrue from those who within a given time should not give in their adhesion to the supremacy of Rome; and with a further amount, to be thereafter determined, by way of tribute.[u]

Raymond again excommunicated.

But the legates were, after all, deficient in the necessary funds for redeeming their engagements to the chiefs of the swarms which successively flocked to their standard. The greedy ambition of De Montfort pointed to a larger sphere of confiscation; while the legates and their followers were thirsting for the blood of the myriads of Protestants who lay as yet out of their reach. The matter, however, was easily managed. Raymond was ordered to seize and deliver up to the officers of the inquisitors every inhabitant of the city of Toulouse who should be pointed out to him as a heretic, or suspected of heresy, together with a correct schedule of their estate, goods, and chattels. The Count demurred, remonstrated, and at length threatened to appeal to Rome against the useless and insulting demand.[v] This show of reluctance drew upon him a second excommunication, reinforced by the usual interdict.

The inquisitor Arnold recommends the ruin and death of Raymond.

Meanwhile the legate prepared the Pope to meet the appeal of Raymond by a fresh detail of all his transgressions: "he had," he wrote, "in truth, violated every one of the fifteen articles to which he had sworn at his absolution;" and he suggested that "the forfeiture of the cautionary places and castles, and of the county of Mel-

[u] Conf. *Epp. Inn. III.*, ubi sup. p. 374. In all this there is little to disguise the naked ambition of Innocent III. The appropriation of the viscounty of Beziers as a dependency of the see of Rome was an act of barefaced usurpation.

[v] He pleaded his absolution, and the total absence of heresy in his capital.

gueil," should be declared without loss of time, and appropriated by the Holy See: he insisted that now was the time, instead of pardoning or inquiring, "to cause the yoke of the Church to weigh still more heavily on his neck;" for that his subjects were disgusted with his wicked life and conversation: that all his motives were of the basest and most sordid nature; and all his pretended subserviency mere subterfuge to escape *that death* which his many transgressions merited, and to fight off the conquest of his remaining possessions: nay, he was at that very moment in correspondence with other rebellious barons, and had *actually entertained at his table the brother of the assassin of Peter de Castelnau.*[w]

Appeal of Raymond to the Pope.

But Innocent was too good a master in politics to go to work in the off-hand manner recommended by the legate. Besides, an appeal had always a secret charm in his eyes; it flattered his pride of place, and enabled him—if no better—to parade the superabundant clemency of the Holy See, and its ardent desire to send away no suppliant unsatisfied. Raymond presented himself in person to the Pope, and was received with unexpected courtesy. An ad-interim absolution was granted; but subject *to a reference back of his case to the judges who had already condemned him*, with directions to re-investigate the two principal charges of heresy, and complicity in the murder of Peter de Castelnau.

The legates set aside the papal rescript,

It should be noticed that Raymond had never been permitted to purge himself judicially of these, or any of the crimes laid to his charge; so that his accusers had not to look for any new proofs of perversity to justify their proceedings. They had taken good care to put it out of his power to fulfil the conditions of his absolution; so that the inquiry into the two points named by the Pope in no way narrowed their jurisdiction as to the remaining articles of the indictment. Raymond had in fact—to use a modern law

[w] *Hist. de Lang.* p. 178. This letter is not to be found in *Baluze's* collection of the Epp. Inn. III. The legate did not think it worth his while to give the proofs of the "wicked life and conversation" of Raymond. All sin was included in the imputation of heresy.

phrase—been liberated upon his recognisances to appear and answer to any fresh offences that might be alleged against him, or in default to abide the judgment of the court upon the original charges. The master Theodisius, an expert canonist, whom Innocent had assigned to prior Arnold as his legal assessor, readily seized the advantage that might be taken of this view of the case to set aside the reference altogether. "He (Theodisius) was," says the zealous Peter de Vaux-Cernay, the annalist of the crusade, "extremely *solicitous to find some authority in law for refusing the Count the opportunity of exculpating himself which the papal reference seemed to afford.*" The Count appeared before the council summoned to take his case into consideration in the full assurance that he had only to defend himself upon the two points named in the rescript. But when about to enter upon his justification, he was stopped by canon Theodisius, and informed that he could not be heard at all until he should have satisfied the council that he had fulfilled all the conditions of his prior absolution: had he, he was asked, destroyed all the heretics in his domain?—had he abolished all exorbitant dues and duties, more especially those which weighed upon the clergy and the monasteries? If it should be found that he had disobeyed the commands of the Church upon these minor points, it must be presumed that he had been equally disobedient in relation to the two greater crimes of which he was accused. He could not therefore be allowed to purge himself from those imputations until he should have satisfactorily removed the antecedent charges. When count Raymond heard this rigorous decision, he burst into a flood of tears. But the reverend Theodisius, charmed with the crushing effect of ecclesiastical torture upon this distinguished sinner, observed sarcastically that "though the floods might rise high, they could not mount up to the throne of God."[x] After thus

and refuse to hear the Count in his defence.

[x] *Hist. de Lang.;* and after Vaissette, *Sismondi*, Hist. de Fr. tom. vi. p. 378. Both works quote *Ps.* xxxi. 8,—an error. Perhaps the allusion is to *Ps.* xciii. 4, 5, "The floods lift up their waves. . . . Yet the Lord who dwelleth on high is mightier," &c.

driving the arrow into the heart of their victim, the council concluded their labours by renewing the excommunication, and reversing the ad-interim absolution of the Pope.

The crusade and its results.

We spare the reader the description of the grotesque mixture of deceit, hypocrisy, and preternatural cruelty displayed in the conduct of the war by these "priests of the Lord" and these "soldiers of the cross." It is sufficient to observe that by this time the trumpet of Rome had found an echo in the remotest corners of Christendom. Swarms of monks issued from the numberless cells and monasteries of the Cistercian order, preaching perdition to heretics, and boundless pardons to all who should shed the blood—were it only of one—of the accursed brood. There was no crime so black, no vice so rooted in the heart, but that a forty-days' campaign against these outcasts would wipe it away, even to the last trace of guilt, nor leave the faintest sense of remorse behind. Myriads of all ranks and conditions of life obeyed the call. Simon de Montfort was periodically reinforced by successive bodies of trained soldiers and unnumbered troops of fanatics, against whom no effectual resistance could be opposed by the forsaken and dispersed seceders.[y] Supported, however, by an enthusiasm not less intense than that of their persecutors, they opposed the best resistance in their power; and when subdued by numbers, took refuge in enthusiastic defiance, and rushed into the flames of their burning dwellings, or the blazing fagots heaped up to consume them in the mass—were it only to deprive their enemies of the spiritual triumph which would have gratified their malevolence even more sensibly than victory over their bodies.[z]

[y] The most monstrous scene of treachery performed in illustration of the papal maxim that "no faith was to be kept with the enemies of God," was practised at the capitulation of the castle of Minerve, in which again "the *expert canonist*" Theodisius played a conspicuous part.

[z] To those for whom the details of this long and dismal tragedy have any interest, we recommend the perusal of the 21st, 22d, and 23d books in vol. iii. of Father *Vaissette's* Histoire de Languedoc; where they will find every document that could throw any light upon this frightful aberration of the human heart collected with great industry, and treated with severe impartiality. That writer has been strictly followed by *M. Sismondi* in his 'His-

Turning away from the woful scenes of the year 1209, we observe that, in that and the following year, the crusade had assumed a more solid and methodical character. Among the numerous adventurers who flocked to the standard of Simon de Montfort, there was a class of persons of rank whose occupation was war, and who were anxious to take advantage of the forfeitures of the heretics to settle in the charming regions of the south. To keep together an army composed of such various materials the leader must provide himself not only with the means of maintaining and paying the soldiery, but also with prizes of sufficient value to attach to his standard the military chiefs and professional soldiers who constituted the strength of the mediæval armies. Conquest was an essential condition of his power; and it became necessary to involve as large a number as possible of the territorial nobility of the south of France in the meshes of his friends the inquisitors, with a view to further and more extensive confiscations than had hitherto fallen to their lot. On the other hand, the preaching of the crusade had grown into a trade. The monks looked forward with trepidation to the time when there should be no more heretics to burn, no more pardons to be dispensed —a time when they must abandon the vagrant life in which they had hitherto revelled, and return once more to the monotony of conventual routine. The pontifical legates and their numerous officials had tasted the delights of power in the most flattering shape in which they could be administered to an energetic and enterprising class of men. The troops of spies and informers attached to the "Inquisition of the faith" dreaded the cessation of their lucrative occupation. A combination of passions so absorbing, of cravings so insatiable, proved not only irresistible to any force at hand to oppose it, but even threatened to slip out of the hand of him who had given the first impulse to the movement.

Consolidation of the crusade.

toire de France;' and we believe by every one who has treated this portion of religious history. In this work we confine ourselves to those incidents which tend to explain the scheme of papal government, and to show their effect upon the interests of the papacy generally.

Deposition and destitution of count Raymond.

The ruin of Raymond was a matter of necessity to Simon and his allies the legates. But the spoils of Toulouse were still insufficient to satisfy their wants; and it was resolved to involve the counts of Foix and Comminges, and the viscount Gaston of Bearn, within whose domains — luckily for the inquisitors — many heretics were believed to have found refuge, in the like fate. Raymond was accordingly summoned before a council assembled at Arles. Adhering to his principle of submission, he appeared in company with his friend and relative, Peter king of Aragon, as his advocate and warrantor. Here a requisition was laid before him, calling upon him to disband his army, to raze all his castles, to recall all the commandants of his walled towns and strong places; to renounce all the tolls and dues from which the principal part of his revenue was derived; to compel all the gentry and commonalty of his domains to put on a penitential garb; to deliver up all his subjects suspected of heresy to be converted or burnt, as the case might be; to hold himself personally in readiness to pass over to Palestine to serve under the brotherhood of St. John of Jerusalem till recalled by the Pope; and lastly, not to depart the council without the permission of the fathers. The latter part of the scheme failed; the intent of this fresh outrage was not to be mistaken; Raymond and his intercessor the King of Aragon rode away without further parley. The Count was condemned as a declared *enemy of the Church and an apostate from the faith; and his domains and property, public or personal, were adjudged to the first occupants who should seize and appropriate them.*

Innocent III. ratifies the decree of destitution.

After this adjudication the county of Toulouse became the scene of outrages and cruelties to which we have no heart to advert. As far as his own interests were concerned, Innocent III. appears fully to have understood and approved the game of his agents. He confirmed the acts of the council of Arles; he seized the county of Melgueil, pretending it to be a fief of the Holy See, as an

escheat; and ratified the decree transferring the estates of the Count to the first occupants.[a] It was found, however, that the bishops of the invaded provinces were not yet sufficiently handy at their work; that they still entertained certain carnal prejudices in favour of the ancient lords of the soil; and that others again were reprehensibly jealous of the transfer of the episcopal powers to the great inquisitor and his monks. Some of these recusants were prevailed upon to resign their sees; others were deposed on various pretexts; the legate Arnold proclaimed himself Archbishop of Narbonne, and conferred the vacant prelacies upon the most active among the monastic preachers of the crusade. Simon de Montfort overrun the counties of Foix and Comminges; but the heretics had taken flight, and very few remained to gratify his remorseless thirst for blood, or—worse than this—to give a colour for the appropriation of the conquered districts. By this time in fact the religious purpose of the crusade had been so far accomplished as to leave little pretext for the encouragement still held out to the hosts of dupes who continued to press forward to the scene of carnage and plunder. Yet nothing was further from the intentions of the managers than to permit the war to languish for want of the customary nourishment. In reality the war had assumed a decidedly political character. It had now to all appearance degenerated into a plan for converting the conquered provinces into dependencies of the see of Rome, under her general Simon de Montfort, and a synod of bishops now almost exclusively recruited from among the extreme zealots of the Cistercian order.

The crusade a war of conquest.

But Innocent III. could not contemplate these impudent usurpations without certain misgivings. Startled by the details of naked spoliation and robbery reported to him by king Peter of Aragon, he intimated his displeasure to the legates: they had, he said, laid hands upon territories that had never been polluted with heresy;

Innocent III. rebukes the ambition of Simon de Montfort and the legates.

[a] *Hist. de Lang.* p. 205.

they had unwarrantably compelled the lords of the soil to do homage and fealty to themselves; they had taken no pains to distinguish between the infected districts and those in which no such pollution existed; they had robbed count Raymond of all his possessions excepting the cities of Toulouse and Montauban; they had usurped the dower-lands of his wife, sister of the late illustrious king Richard of England; they had compelled the counts of Foix and Comminges, and the viscount Gaston de Bearn, vassals of the king of Aragon,[b] to do homage and swear fealty to a stranger (Simon de Montfort);—all this they had done to the Count, although he had submitted to them in all things, and delivered himself and his lands, together with his wife, his son, and his son's wife, into their hands to be protected, not to be robbed: the king of Aragon, he said, had humbly besought him at least to save to the innocent son of the Count the inheritance of his fathers, and that he (the king) was ready to give every security that could be desired for the purification of the territory in question from all taint of heresy: upon these conditions he intimated the readiness of Raymond either to march against the infidels of Spain, or to proceed to the Holy Land at the discretion of the Pope: he (Innocent) therefore recommended the legates to proceed with greater circumspection for the future, lest the cause of the Church should suffer detriment in their hands.[c]

Evasive management of Innocent.

This epistle, however, amounted to little more than a demand for explanations upon the several articles of complaint; and when considered in connexion with the next step of the Pope in the matter, it is pretty clear that he had resolved to leave the management of the whole affair in the hands of the legates. He sent back the statement of king Pedro's complaints to them for reëxamination, with a command to report their decision to himself. But with

[b] The kings of Aragon claimed the superiority of several Pyrenean provinces; among these, of the county of Beziers and Carcassonne, Narbonne, Foix, Comminges, and Bearn.

[c] *Epp. Inn. III.* lib. xv. ep. 212, p. 708; dated 18th Jan. 1213.

intent to gratify the king[d] he sent at the same time a peremptory order to Simon de Montfort to do liege-homage to the crown of Aragon for the territories held of that kingdom, in form as his predecessor had been accustomed to do,[e] "lest he should appear to be working for his own aggrandisement rather than for that of the catholic church."

The inquisitors and the bishops recommend the destruction of Toulouse, &c.

But in the mean time Raymond, with the assistance of the lords of the invaded provinces, had presumed to oppose military resistance to the advances of Montfort. After this fresh offence pardon or indulgence were out of the question; his petition to be heard in explanation was contemptuously rejected; the lords of Foix and Comminges, with the viscount of Bearn, were declared outlaws, and favourers of heretics, with whom there could be neither peace nor truce. In their report to the Pope, the legates assured him that the purification of Languedoc was not to be thought of *until the city of Toulouse was razed to the ground and the citizens put to the sword.* The fathers of the council of Lavaur[f] indited joint and several letters to the Pope, vehemently urging him to give the pontifical sanction to the destruction of the offending city, with confiscation of goods and doom of death to the inhabitants: "for," said they, "'tis with them as with Sodom and Gomorrah; all must die, that the miscreants who have found refuge within their walls may perish with them."[g] As for Raymond himself, they protested that if he or his progeny were permitted to reërect their heads, they would without fail "take unto themselves seven other devils worse than the first," and again throw all things into confusion; "there-

[d] Pedro was a favourite of the Pope, who regarded him as a creature of the Holy See. The kingdom of Aragon was in papal contemplation a tributary or fief of the Roman church.

[e] *Epp. Inn. III.* lib. xv. epp. 214, 215, p. 710. The territories alluded to are those of the viscount Raymond-Berenger of Beziers, whom he (Montfort) had murdered in prison.

[f] Assembled in the early part of the year 1213.

[g] See the letters in extenso in *Epp. Inn. III.* lib. xvi. epp. 39 to 48, pp. 762 to 771. It is difficult to say whether, in these nauseous productions, the blasphemous effrontery or the stupid cruelty of the writers should first engage the attention of the moral nosologist.

fore," they say in conclusion, "let your apostolic wisdom provide against this evil; . . . let not your hand be withheld from this *holy and pious work* until the serpent of our Moses shall have swallowed up the serpents of this Pharaoh; until the Jebusite with all the uncircumcised and impure be dispersed, and your people rejoice in the *quiet possession of the land of promise*."[h]

Intercession of the king of Aragon rejected.

The intercession of the king of Aragon on behalf of his friends the counts of Toulouse, Comminges, and Foix was rejected with equal insolence and contempt. Raymond, they said, had had his answer; nothing more could be done for him: as to the count of Comminges, he was implicated in the crimes of his ally; the count of Foix had been in like manner convicted of misprision of heresy—a crime in which there was no distinction between principals and accessories: as to Gaston de Bearn, he had on various occasions participated with those reprobates in shedding the blood of "those poor souls who in the poverty and simplicity of their hearts had gone forth against the enemies of God and the Church; he had afforded an asylum to the murderers of Peter de Castelnau; he had retained routiers and banditti in his service; he had made a mockery of the mass; and for all these crimes he had been delivered over unto Satan . . . for such malefactors as these it was unworthy of the King to intercede . . . he should remember that such a course was a sad return for all the unmerited benefits and privileges bestowed upon him by the holy Roman church."[i]

Position of the Pope towards the crusade.

Whatever may have been the first effect of the remonstrances of the king of Aragon upon the mind of the Pope, the shower of partial truths and ruthless falsehoods poured in upon him by his legates and the disciplined army of inquisitors and ruffians in their service soon obliterated every

[h] The epistle is dated 1st March 1213.

[i] The petition of the King is dated the 16th Jan. 1213; and the reply of the council on the 18th of the same month. *Epp. Inn. III.* lib. xvi. p. 765, and conf. *Ibid.* epp. 44 and 45, p. 767. The coronation of Peter by the Pope was cheap at any price.

sentiment of justice or pity from his mind. And now, no doubt, the exigencies of his own position flashed upon him. He alone had called forth the movement; he had codified the laws for its direction and government; with his own explicit instructions in their hands the bloodhounds whom he had turned loose could no longer be baulked of their prey; the power to control the raging elements he had evoked had slipt from his hold; he had thrown away the right to complain of the excesses of his agents in the execution of a code of laws which held out the broadest encouragement for the gratification of all the vilest and most absorbing passions which pollute and harden the heart; under his patronage, ambition, cupidity, treachery, deceit, calumny, and cruelty had done their perfect work. And now the author and contriver of this scheme of iniquity was himself swept along with the torrent;—the common fate of those fanatics who dare to break down the barriers of morality in the cause of religion.

The Pope rebukes the king of Aragon of falsehood, &c.

But Innocent III., in the strength of St. Peter's chair, plunged frankly and boldly into the stream. He sharply rebuked the king of Aragon for concealing from him the most material facts in the case of Raymond and his allies; he had not informed him of the excommunication of the citizens of Toulouse, or that the city was the common receptacle of all the heretical refugees whom the "army of Christ" had driven from their abodes; that it was a sink of heretical filth, "whence, like a swarm of locusts issuing from the bottomless pit, they might go forth to consume the seed of the true faith so lately planted afresh in those regions." With full knowledge of all these enormities he was amazed that the King should have attempted to procure the restoration of the criminals to their justly forfeited estate by such misrepresentation and fraud. He therefore altogether withdrew the indulgence so obtained; he commanded the King in no manner to molest Simon de Montfort in his operations against the heretics and their protectors; and closed his monition with the threat of calling down fresh swarms

of enemies upon the refractory chiefs, unless they should speedily repent[j] and turn from the evil of their ways.

Peter of Aragon takes the field against De Montfort.

But the unbounded insolence of De Montfort and his instruments the bishops had exhausted the patience of the long-suffering king of Aragon. He flew to arms for the protection of his clients and vassals; and, crossing the Pyrenees with a numerous army, encountered the crusaders at the little town of Muret, about three leagues to the south-west of Toulouse. The army of Simon de Montfort, though fewer in numbers, consisted of the heavy-armed chivalry of France, eager, by victory over the heretical host, to earn immortal honour, or by martyrdom to be wafted into the presence of the saints in Paradise. The first onset of this compact corps upon the light cavalry of the Aragonese, unsupported by the raw and ill-armed militia of the towns, was decisive; the king of Aragon himself was slain in the mêlée, the cavalry dispersed, and the infantry slaughtered or drowned in the Garonne to the last man. The victory of Simon was as complete as the most sanguine of his well-wishers could desire. The whole county of Toulouse, with the exception of the two cities of Toulouse and Montauban, as well as the counties of Foix and Comminges, and probably the territories of Gaston de Bearn, lay at his mercy. The heir of Don Pedro, the prince Jayme, was in his hands, and he had now only to take possession of the broad lands and lordships won by the strength of his arm, and adjudged to him in full sovereignty by the pontifical decree.

Defeat and death of Peter.

Rebuff to Simon de Montfort.

But though by this time there probably remained few heretics who had not perished by one or other of the various modes of destruction prepared for them by their ingenious persecutors, De Montfort could not as yet dispense with the aid of the numerous pilgrims periodically sent to him by the Cistercian preachers. The city of Toulouse still stood

[j] *Epp. Inn. III.* lib. xvi. ep. 48, p. 770, dated 21st of May 1213. The 'repentance' denoted meaning the unconditional surrender of themselves, their estates and families into the merciless hands of Simon de Montfort and the inquisitors.

out; and now a new difficulty arose, which threatened to put in requisition all his resources, and to tax his policy to the utmost to retain what he had gained. King Philip Augustus of France looked with suspicion upon his grasping ambition, and felt himself disparaged and weakened by the diversion of the services of his vassals to the wars of the Pope and his satellites. The Aragonese declared war upon Simon, and clamoured for the release of their young king Jayme. They prepared to assail him along the whole line of the Pyrenees, while their envoys at Rome besieged the Pope with complaints against the unbounded arrogance and rapacity of the tyrant. Their remonstrances were listened to by Innocent with unexpected complacency; and an immediate order was sent to De Montfort to release the young King and give him up to his subjects.[k] A special legate was sent to receive the prince from his hands; charged with the further duties of inquiring into the claims of Simon upon the county of Nismes, and a discretionary power to absolve the counts of Foix and Comminges, and the viscount Gaston de Bearn; and finally to take all necessary steps for the reconciliation of the city and burgesses of Toulouse, so as to enable the Pope to *take them under the special protection of the Holy See*, and exempt them from all future molestation.[l]

Submission of the excommunicated nobles.

The transfer of authority was *pro tanto* an alleviation of the hardships to which the princes and cities of the south were exposed under the insolent tyranny of the inquisitors. It was better to fall into the hands of the Pope than into those of his inexorable ministers. The excommunicated citizens of Narbonne, Toulouse, Montauban, and others, acknowledged the supremacy of the Holy See. The counts of Comminges and Foix threw themselves without reserve at the feet of the new legate, and submitted by anticipation to any conditions he might impose in relation to person, privilege, honours, and estates; they professed to hold their castles and lordships at his dis-

[k] *Epp. Inn. III.* lib. xvi. ep. 171, p. 830.

[l] *Ibid.* lib. xvi. ep. 172, p. 330.

posal, and vowed implicit obedience to his commands. Raymond was somewhat more harshly dealt with. He submitted to the same unreserved surrender of worldly estate and honour. But inasmuch as he had now nothing more to give up, and could no longer be dangerous, he fell in a great degree out of notice; and he was permitted to retire with his son to a private house in his city of Toulouse as simple citizens, awaiting the orders of the Pope as to their future destination. For all these boundless sacrifices no other consideration was vouchsafed but a simply *personal* absolution from the censures of the Church.

Retirement of Raymond.

But the perpetuation of the crusading movement was as essential to the plans of Innocent III. as to those of his general-in-chief. Simon and the inquisitors must not be deprived of their reward. The former clamoured for more lands and honours; the latter for establishment and a *locus standi* in the Christian world as the perpetual guardians of the faith. Some heretics were still to be found whom it might be advisable to hunt down and burn.[m] The monks were reluctant to pronounce their work complete as long as, upon any pretext, they could contrive to follow the occupations which, after six years of unlimited indulgence, had grown into a habit not easily eradicated.[n] The abandonment of the crusade might involve the ruin of that elaborate machinery the pontiff had constructed and set in motion to subdue the stubborn nations of the earth to his yoke. The duties of the new legate accordingly appear to have ended with the personal reconciliation of the offending princes; and

Perpetuation of persecution.

[m] Thus when Simon invaded the county of Agens (department Lot et Garonne), the crusaders, after committing all kinds of murders and atrocities, wiped out all offences by the fortunate discovery of seven Waldensian heretics, whom, we are told, "they burned with indescribable delight." The lucky discovery was made at Maurillac, a village in the vicinity of Agens.

[n] The heresy of the Waldenses was never, strictly speaking, extinct. All that can be predicated is that the open profession of dissent was suppressed; consequently there might be still work enough on hand for the inquisitors, and a continuing demand for new hands to do the rough work for them. There is no doubt but that the Vaudois of the Alpine valleys are the legitimate descendants of Waldensian refugees of the 13th century.

the control of the further movement was suffered to fall back into the hands of the former managers. The Cistercians bestirred themselves as busily as ever in supplying De Montfort with fresh troops as the term of service of others expired; and the remnant of the population of the invaded provinces was not allowed to catch even a distant glimpse of the termination of their sufferings.

Simon de Montfort count of Toulouse.

A council assembled at Montpellier on the 8th of January 1215 unanimously adjudged the county of Toulouse and its dependencies to Simon de Montfort, to hold the same *as sole prince and sovereign lord*. Under his auspices the work of persecution was carried on with unwonted activity. Fresh troops of marauders inundated the land, ensnaring or seizing all whom they chose to suspect of heresy, and putting them to death with the usual demonstrations of triumph. The walls of Toulouse and Narbonne were ordered to be destroyed; and count Raymond, thus driven from his last asylum, was allowed to retire with his son to the court of England.

Character of the crusading movement as it concerns the promoters.

By this time the victory of Innocent III. over the dissenters of the south of France was to appearance complete. All that remained for him to do was, by care and vigilance to prevent the fibres of heresy which might still adhere to the soil from shooting afresh. For that purpose he had only to apply the apparatus already in working order with due diligence; but chiefly to banish every sentiment of unhallowed compassion or human sympathy from the hearts of his agents. But it must be a work of time to persuade men in the long-run that they cannot serve God better than by setting His laws at defiance; or that a safer way to secure their salvation could not be found than by gratifying all their lusts, and wreaking all the evil propensities of their nature upon those whom it should please their instructors to point out as the enemies of God. The war against the Albigenses is described to us by the pontifical writers as a simply religious movement. But this

view involves a very coarse and transparent misrepresentation. Without denying the religious element as an instrument, we regard these proceedings in connexion with the general scheme of Innocent III., and with the genuine views of the leaders and promoters. In all these we plainly discern the naked form of worldly ambition; and unless we are prepared to acknowledge this bishop of Rome to be, as he describes himself, the visible God on earth, no alternative remains to the Christian church and world but to pronounce upon them an anathema in the end a thousand times more crushing than any that ever issued from the council-chambers of the Vatican.[o]

[o] It has not been thought necessary to encumber these pages with the authorities for the ordinary and unquestioned events of the crusade against the Albigensian and other heretics. *Dom Vaissette's* elaborate history of Languedoc, books xxi. xxii. and xxiii., contains a full collection of all the documents; and *M. Sismondi's* summary (Hist. de Fr. tom. vi.), together with the excellent abridgment in the *Art de vér. les Dates* (tom. ii. pp. 298-300), supply the best means of verifying the facts necessary to connect the events of the war with the action and policy of the Holy See. On the latter topic the acts and epistles of Innocent III. have been consulted throughout. *Fleury's* Hist. Eccles. (tom. xvi. books lxxvi. and lxxvii.) has been likewise consulted. *M. v. Raumer's* Geschichte der Hohenstauffen (vol. iii. book vi. c. 9) has some sound, but cold and speculative views, more especially in connexion with the tenets of the heretical sects. The work of *Dr. Schmidt* (Gesch. von Frankreich, vol. i. p. 450, in Heeren and Uckert's collection) may be read; but the opinions of this writer respecting the doctrines of the Albigenses, &c. do not seem well founded.

We have, in fact, no faith in the fanciful theories, current in the 12th and 13th centuries, deriving the various tenets of the so-called heretics from the Manichæan and Paulician sects of the fourth and fifth centuries. When the minds of men of lively imagination are emancipated from the trammels of a formal creed, speculations upon creation, and the origin of good and evil in the world, are the first topics which engage their attention. The errors into which such speculators invariably fall naturally resemble one another: we have a good and an evil principle—two or more Deities; a creator of the material or outer world, and another of the spiritual or inner world; the former the author and manager of the imperfect scheme of things visible and material; the other a counteracting or compensating power; the source of spiritual life, and the ever-vigilant adversary of the disturbing and destroying tendencies of nature and the evil passions of mankind. The external appearance and practice of such theorists bear a natural and undesigned resemblance to one another. We are not bound, therefore, in the absence of all evidence, to account for the resemblance by any traditional or real historical connexion. The teachers of this kind of theosophy would regard themselves as involved in a spiritual warfare with the material, and strive to identify themselves and their sect with the spiritual deity. Such seems to have been the aspiration of the Catherine, the Paterine, the Bonomian, perhaps also, to a great extent, of the Albigensian heretics. The Waldensians appear to have entertained more scriptural views; and simply to have rejected Latinism, and many of the tenets and practices which the Church had engrafted upon the simpler Christianity of the apostolic age. We find a remarkable corroboration of this conjecture in the instructions sent by Innocent III. to his le-

gates for the reconciliation of repentant heretics (*Epp. Inn. III.* lib. xiii. ep. 94, p. 458). These instructions are dated in the thirteenth year of his pontificate, the 14th of June 1210; which date falls in with the fiercest period of the persecution. In this document the Pope carefully enumerates and specifies the errors to be abjured by the converts. "They believe," he says, "that *God alone* ought to be obeyed; but if the object of religious obedience be *a man*, then only *a perfectly righteous man in whom God should dwell*, was to be followed: that a literate or educated person, *though a layman*, was qualified to instruct or *preach* without other recommendation: that a righteous layman *had the power of the Eucharist* equally with the priest; but that the *wicked priest had no such power;* and that the masses of such a person, whether for the benefit of the quick or the dead, were of no account: that the *Roman church was not the church of God:* that to take *an oath* in any form, and on any subject, *was a deadly sin:* that it was allowable to *women to preach* the Gospel in the churches: that the *indulgences* given or published by the supreme pontiff and the bishops *were of no force or effect:* that a *godly man might absolve* those who confessed their sins to him." As to the rejection of the ministrations of wicked priests, Innocent acknowledged that there were priests who led scandalous lives, deserving of the severest reprobation; yet the penitents are directed to pay them all due honour, reverence, and obedience, and altogether to abstain from speaking evil of them or bringing them into contempt. (Conf. the false Decretals, Book VI. c. vii. p. 197 of this work.)

The oath of abjuration was framed to meet these alleged errors. There arises, therefore, a presumption that *these were the prevailing errors;* and that those who held them formed at least a majority of the condemned sects. For if the quasi Manichæans or Paulicians had been really as formidable in point of numbers as they are represented to have been by the fanatical annalists of the age, it is not probable that the vigilant and well-informed pontiff would have omitted all mention of them or their tenets in a formula framed and intended for general application. In all the charges enumerated there is nothing that a scriptural divine would designate *as heresy;* and surely, in the position of the Protestants of the 12th and 13th centuries, little apology is required for certain singular practices which, in a more settled state of church-government and discipline, would be regarded as irregular and inexpedient.

CHAPTER VIII.

POPE INNOCENT III. IN THE AFFAIRS OF ENGLAND.

England in its relation to the papacy—Accession of king John: treaty of Andili—Offences of king John—Condemnation of king John by the court of his peers in France—Capture of prince Arthur—Pope Innocent vindicates his right to interfere between princes and their vassals—Efforts of Innocent III. to reconcile the kings of France and England—Policy of the Pope under his disappointments—Papal designs against the Church of England—Death of archbishop Hubert, and state of parties—Stratagem of the monks of Canterbury—The King and the canons of Canterbury elect the bishop of Norwich—Proceeding of the parties at Rome—The Pope declares the see of Canterbury vacant—Innocent takes the election of the archbishop of Canterbury into his own hands—Election of Cardinal Langton—Character of the papal proceeding in the election of Langton—King John expels the monks of Canterbury, &c.—King John angers the Pope—Innocent claims "*the plenitude of power*" over the church of Canterbury—England laid under interdict—Sources of pontifical influence in England—Excommunication of king John—Persecutions and extortions of the King—Difficulties of accommodation with the Pope—The King refuses the Pope's terms—Deposition of king John, and transfer of the crown to king Philip Augustus—Astute policy of Innocent III.—Helpless alarm of king John—Pandulph again in England—Terms of reconciliation stated and accepted by king John—The King surrenders crown and kingdoms to the Pope—Charter of surrender—Innocent deceives the king of France, and countermands the invasion of England—Character of the transaction as it affected all parties—Conduct of the insurgent barons and people of England—Gains and losses of the parties—Return of the exiled prelates, and absolution of the King—John complains of the barons and clergy to the Pope—Mission of Nicolas of Tusculum—Design of the Pope as to the government of England—Confirmation of the charter of surrender—whether a properly legislative act?—A convocation: archbishop Langton on the laws and liberties of England—Assemblies at Reading and Wallingford—Papal dealings with the churches and benefices of England—Protest of the archbishop and bishops—Dismissal of the protest, and pontifical decree of indemnity—Unjust distribution and dissatisfaction—Events preparatory of Magna Charta—Popular and ecclesiastical complaints, how answered by the Pope—Effect of the reply, and the false promises of the King—his shifts to withdraw the clergy from the common cause—Secessions from the King's party—Magna Charta; its character—how treated by the Pope—Cause of the anger of Innocent III.—his hatred of independent action—Contumacy of the barons—Justification of the King—Condemnation

of Magna Charta—Effect of the papal manifesto upon the barons &c. of England—Renewal of the civil war, and excommunication of the barons—Fierce denunciation of the archbishop and the bishops of England—Archbishop Langton suspended—The Pope nominates the archbishop of York—Advantage of king John at Rome—The citizens of London reject the interdict—The barons at disadvantage—Prince Louis of France prepares to invade England; he is forbidden by the Pope—Reply of Rome to the remonstrances of the King and prince of France—Altercation—Prince Louis's explanation to the Pope—Reply of Innocent III.—Papal allegations—Counter-plans of Louis—Respective character and merits of the arguments on both sides—Excommunication of Louis, the barons, &c.—The King of France evades the interdict—Langton at Rome—Robberies of the legate in England—Effect of the death of Innocent III.—Misfortunes and death of king John—Policy of Innocent III. in England; its success—Accession of Henry III., and retirement of Louis of France.

No one among the predecessors of pope Innocent III. had so thoroughly mastered the peculiar logic by which the religious ascendancy of the Holy See might be metamorphosed into a political dominion equally comprehensive with the spiritual powers claimed by the pontiffs, and practically admitted by the princes, governments, and people of the Latin world. The affairs of England in the reign of king John afford a striking illustration of the peculiar mode of dealing by which the religious authority might be made to absorb the powers of princes and subjects, and enable the pontiff to divert all political action into the channel most conducive to that territorial expansion upon which Innocent III., more than any of his predecessors since the days of Gregory VII., was disposed to build up the fabric of universal monarchy. England in its relation to the papacy.

A few particulars regarding the earlier years of the reign of John are necessary to introduce the remarkable transactions between that prince and the Holy See, to which the present chapter will be devoted.[a]

After the death of Richard the Lion-hearted his brother John was raised to the vacant throne, in prejudice of the presumptive title of his nephew, Arthur duke of Brittany, the only Accession of king John; treaty of Andili.

[a] These incidents are so familiar to the English reader, that we may content ourselves with the briefest summary consistent with the perspicuity of the narrative.

son and heir of his elder brother Geoffrey Plantagenet.[b] John was crowned at Westminster on the 27th of May 1199, in the presence of the prelates and barons of the kingdom. Shortly before the death of Richard, a truce for four years had been concluded between him and his wily antagonist king Philip (II.) Augustus of France. This truce was sorely complained of by the staunch allies of England and of the emperor Otto IV., the earls of Flanders and Boulogne; and John was importuned to set it aside, and interfere actively in the contest for the imperial crown then pending in Germany. But it seems that John was indebted to Otto in a sum of money bequeathed to him by the will of Richard, and the character of the King makes it probable that the unwelcome demand upon his purse inclined him rather to seek his advantage with the court of France, than to pay his debts, or to plunge into an expensive war for the benefit of his creditor. Accordingly he had entered into a treaty with Philip Augustus, upon occasion of the projected marriage of his niece the princess Blanche of Castile with the prince Louis of France, by which he obtained a favourable settlement of certain claims in Normandy and in the Aquitanian dependencies of the crown.[c] By this treaty, concluded at Andili on the 22d of May, John engaged to afford no aid either in money or troops to his nephew Otto; a compact by which the plans of the Pope in support of his client were in a great degree deranged. Philip Augustus was left at liberty to give his assistance to the counter-claimant Philip of Swabia; while Otto was deprived of both a powerful ally, and of the sinews of war expected from England.

[b] The succession of the kings of England of the Norman and Plantagenet line was too irregular to draw from it any rule or law of succession, so as to enable us to pronounce the accession of John a usurpation. According to modern ideas the title of Arthur of Brittany admits of no doubt; but in his age greater stress was laid upon *personal capacity* to govern than at present. At the death of his uncle prince Arthur was a boy of 14 years of age; he was absent from the seat of government; and John's claim as next of kin to the deceased monarch, his maturer age, and his presence in the country, carried the day against the title of a child and an alien.

[c] *Regist. Imp.* ep. 19, ap. Baluz. i. p. 694; *Rog. Hoved.* ap. *Savil.* p. 802; *Martene et Durand,* Collect. Ampliss. tom. i. p. 1017.

But at that moment Innocent had too much on his hands to resent his disappointment. Philip Augustus lay under the ban of the Church for his irregular divorce and remarriage; Philip of Swabia was making head against the Pope's client Otto IV.; and the attention of Innocent was absorbed by the great crusade then in preparation under the auspices of the republic of Venice. The personal irregularities of king John might indeed have called down upon him a similar visitation to that under which his brother of France was suffering;[d] but at the suggestion of Hubert archbishop of Canterbury, the King had, by way of penance for this and other delinquencies, consented to take the cross, and to send a hundred knights to join the army at Venice, engaging to maintain them for one whole year; and besides this to build a monastery for the Cistercian friars. The Pope thought fit to be contented with these tokens of contrition; but in commending his repentance betrayed his suspicions of the King's sincerity,[e] and his apprehensions of some future backsliding, that might call for a severer rebuke. These sinister forebodings were speedily verified. John, whose necessities or rapacity made no difference between clergy and laity, had expelled the bishop of Limoges, and sequestrated the temporalities of his see. The Pope wrote to the King a letter of bitter complaint and—as usual in his correspondence with offending princes—of harsh admonition, commanding him peremptorily to reinstate the bishop, and compensate him for his losses, or await the extreme penalties due to his crime.[f]

Offences of king John.

King John, however, was hastening to bring his punishment upon himself, and to save the Pope a world of trouble. He had already alienated the barons of England by all those modes of extortion to which the feudal relation and the inorganic state of the law afforded

Condemnation of king John by the court of his peers in France.

[d] He had repudiated his first wife, the daughter of the earl of Gloucester, to marry Isabella, the daughter of the count of Angoulême, a lady already betrothed to the Count de la Marche.

[e] See *Epp. Inn. III.* lib. v. ep. 19, p. 620.

[f] *Ibid.* lib. v. ep. 66, p. 650.

so many pretexts. They had refused to follow him upon an expedition against the rebellious count de la Marche,—the nobleman whom he had robbed of his bride,—until he should have confirmed their chartered liberties.[g] Deprived of the means of ruining the man whom he had injured, he was compelled to abandon his purpose; and the aggrieved baron carried his complaint before the King and the court of his peers. The appeal was heard in due form of law; and the king of England, as a vassal of the crown of France, was summoned to appear before the court at Paris on a given day to answer the complaint of his vassal the count de la Marche. John, however, haughtily declined the jurisdiction of the court, and was accordingly condemned for contumacy, and pronounced to have forfeited both the duchy of Normandy and all other territories held of the crown of France. Philip Augustus had by this time taken a just measure of king John's incapacity for government, and determined at all hazards to take advantage of it. The treaty of Andili, as well as a still more recent compact concluded by the two kings personally during a late visit of John to Paris, was set aside, and Philip pronounced John a usurper of the kingdom against the rightful claim of his nephew Arthur of Brittany.[h] But, indolent and voluptuous as he was, John could be spurred into action when prompted by strong passion. Arthur had been despatched into Poitou with a strong escort of French chivalry, and had laid siege to the castle of Mirabeau, where his aged grandmother queen Eleonora had taken refuge, and defended herself with virile courage and endurance. King John hastened to raise the siege, and was lucky enough to attack the assailants by surprise. Prince Arthur himself, and with him the greater part of the knights and barons of the army, fell into the hands of the conqueror. The person of his nephew and rival was now in his power; but in the mean time the hosts of France and of the exasperated

Capture of prince Arthur, and expulsion of king John from France.

[g] In accordance with the charter of Henry II.

[h] *Rog. Hoved.* ap. *Savile*, p. 823.

Bretons were closing upon him on every side. Deserted by his English and Norman barons, he withdrew to Rouen, and thence, without an attempt to make head against the invaders, hastily embarked for England. Upon his arrival all his wrath was poured out upon his refractory barons and military tenants. All were indifferently mulcted of one seventh of their moveables for desertion of their military duty; and in collecting the fines the King's officers made little distinction between lay and ecclesiastical property. Churches and convents were plundered with impartial severity; a proceeding by which the general disaffection was incalculably increased, and every prospect of the national support for ever forfeited.[1]

Pope Innocent vindicates his right to interfere between kings and their vassals.

The policy of Innocent III. was deranged by the rupture between the English and French kings. His plan for uniting them in the prosecution of the crusade fell to the ground; and he was doomed to suffer a rebuff at the hands of Philip of France, mortifying to his pride, and not without detriment to his authority. In the course of the war, which terminated so disastrously for the English king, the Pope had pertinaciously pressed Philip to make peace or truce with his opponent. Displeased with the peremptory tone of the papal legate, Philip at length intimated that "*he could not understand by what right the spiritual power presumed to interfere in the quarrels of kings and their vassals.*" Innocent, however, thought it necessary to set him right upon this important point. "No man of sound mind," he said, "can doubt that it is our office to judge of all matters which may involve the salvation or damnation of souls: and are not *they* worthy of damnation who foster discord—who molest the ministers of religion—expose the pittance of religious men to be plundered by robbers—who persecute devout virgins, compelling them to apostatise from their vows, and driving them back into the world they had renounced?—men who shed human blood without stint—who ruin the poor, and pauperise the

[1] *Matt. Paris*, p. 176; *Raynald*, an. 1203, § 54, p. 163.

wealthy? . . . What indeed if it be true that you and king John of England have mutual injuries to complain of? Does *that* make it less the duty of the Church to inquire into the matter, and proceed according to the Lord's precept? For, hath He not said that 'he who refuseth to fear the church shall be unto men as an heathen man and a publican'?[j] And again, it is said, 'Into whatever house you shall enter, you shall first say, Peace be unto this house; and if the son of peace be there, your peace shall rest upon him; but every one who shall not receive you, nor hear your words, go ye thence, and shake the dust from your feet for a testimony against them.'[k] Christ commands them to 'go out from that house;' that is, to *thrust the inmates out of ecclesiastical communion*, signified by shaking the dust from their feet; thereby also *denouncing vengeance* against those who should not receive the word of peace; so that they be done by as did Moses by the Egyptians, when he scattered the ashes in the air, and brought boils on all the land of Egypt."[l]

Efforts of Innocent III. to reconcile the kings of France and England.

This learned and ingenious exposition of Scripture precept passed the comprehension of unlettered princes; or if a glimpse of the Pope's meaning ever crossed their minds, it must have suggested some misgivings as to their own relation to the Church and its chief not very flattering to their dignity, or very consistent with their independence. It was strange doctrine to them, that every disagreement between Christian sovereigns or princes that might lead to a breach of the peace, at once invested the pope of Rome with the absolute right to determine their movements and to settle their quarrels. At all events Philip Augustus did not see his relations to the Holy See in this light; and for this the Pope was prepared to deal with him 'as an heathen man and a publican.' He instructed his legate, the abbot of Casamario, to 'shake the dust from his feet'—in other words, to threaten the King with excommunication and inter-

[j] *Matt.* xviii. 17.
[k] *Luke* x. 5.
[l] *Epp. Inn. III.* lib. vi. ap. *Raynald.* an. 1203, p. 163.

dict if he should refuse to hear the complaints of king John, and agree to a truce for that purpose. The legate, however, was instructed not to ground his interposition upon any purely political causes of difference, but to insist solely upon *the sin committed* by Philip in refusing terms of pacification with his adversary; a sin by which he brought himself 'beyond all doubt' within the jurisdiction of the Holy See. But the mind of Philip was strangely insensible to the religious basis upon which the Pope was disposed to rest the question. He understood clearly enough that the reasoning of the Pope went a long way to deprive him of the power to enforce the prerogative of his crown against his refractory vassals. He therefore satisfied himself in his reply with a long enumeration of the outrages committed by John against church and state; his breach of allegiance to his superior lord, by declining the jurisdiction of his peers &c.; by which offences he had incurred a legal forfeiture of all his fiefs. Innocent, for once, felt the difficulty of convicting the King of *the sin* upon which he relied to give him jurisdiction in the cause; and under the notion that he could make a deeper impression upon John, he exhorted the latter not to esteem it a disgrace to submit to the reparation of the wrongs he had committed, nor refuse to do due homage to his superior lord for his lands; for although he was at all times ready to do him justice, yet it could only be after he had himself done justice to those whom he had wronged.[m]

Policy of the Pope under his disappointments.

The perpetuation of the war between England and France was, in every view of it, disappointing to the hopes and projects of the Pope. As long as it lasted no aid to his client and dependent Otto IV. of Germany could be expected. The Pope had taken serious alarm at the rapid advances of heresy in the Latin world, and foresaw that he would have need of every help which the united enthusiasm of princes and people could supply for its suppression. In the actual relations between the two kingdoms the prospect of a joint crusade must be abandoned.

[m] *Epp. Inn. III.* lib. vi. ep. 165, 166, ap. *Raynald.* an. 1203, § 57, p. 164.

These unholy divisions stood at the threshold of all his projects, whether directed to the welfare of Christendom or the aggrandisement of the Holy See—ideas inseparably connected in his own mind. The prospect of persuading Philip Augustus to forego the advantages which the insolence, indolence, and pusillanimity of John had thrown into his hands was faint indeed; and the ruthless murder of prince Arthur, perpetrated in the beginning of the year 1203, must have led the Pope to the conclusion that considerations of humanity or conscience could not be counted upon in dealing with the king of England; and that motives of personal interest or abject fear were the only ones by which he might be won or subdued to his purposes. But upon these sentiments—base as they were—pope Innocent relied with no little confidence. He might perhaps calculate that a sense of weakness would render king John pliant to a friendly interposition in his favour; yet if he should disappoint that expectation, the ambition of the French king might be brought into play to break his spirit. In either case, a successful result could not, under the skilful management of the Pope, fail to attend the resolute and consequential exercise of the pontifical powers.

Papal designs against the church of England.

But these difficulties had operated not so much to thwart as to change the direction of the papal plans. The combinations required for his ultimate designs were now to be brought about by different means, the most important of which was the reduction of the kingdom and church of England to that state of subordination, for which the court of Rome had hitherto striven in vain. It was too well known there that the so-called "pravæ consuetudines"—a phrase by which the Constitutions of Clarendon were always designated—had, notwithstanding the solemn renunciation of king Henry II.,[n] never lost their hold upon the public mind. The principal provisions of that statute purported that archbishops and bishops, holding their sees by tenure of barony, and being tenants in capite of the King, and responsible to his great council, of which

[n] Conf. Book XII. c. vii. p. 265.

they were members like all other barons, could not be seated without the license of the crown. By a second and no less important proviso, it had been enacted that clerical criminals, and all suits between clerks and laymen, should be determined, in the former case by the criminal courts of the kingdom, and in the latter by a preliminary lay inquisition as to the proper tribunal, and ultimately—according as the finding of the inquest might be one way or the other—either by the ecclesiastical court, or by a mixed commission of both judicatures. And thus the biographer of Innocent III. bewails the continuance of this state of things in England: "Although," he says, "the blessed archbishop Thomas had laid down his life for the liberties of the Church, his precious blood-shedding had hitherto produced no benefit for that object; for through the insolence of the kings, the church of England had been reduced to abject servitude, so that the apostolical mandates were there regarded as of no moment, and the election of the bishops could never be performed with freedom; not to speak of many other abuses."[o]

Rome and the Constitutions of Clarendon.

It does not, in fact, appear that either Richard I. or John were conscious that they were bound by other laws or customs than those which had regulated the conduct of their predecessors. The Constitutions of Clarendon did no more than declare those customs by legislative authority. Henry II. might indeed renounce for himself the exercise of the prerogative thus defined; but he could not strike it out either of the memory of the people or the records of the kingdom. But Innocent took no account of any intermediate authority between himself and the princes or governments with whom it pleased him to treat. He regarded the renunciation of Henry II. as equally conclusive upon him, his successors, and his people. To the Pope the Constitutions of Clarendon had no existence except as execrable abuses, which it behoved him on all occasions to denounce and condemn. In this spirit he had more than once desired Hubert archbishop

[o] *Gesta*, &c. § cxxxi. p. 82.

of Canterbury to remonstrate against the intermeddling of the King with the episcopal elections;[p] but more especially against the iniquitous practice of citing spiritual persons before the temporal courts; a proceeding he never failed to describe as a reduction of the church under servitude to the world.[q] It is probably thus that John was regarded as a more flagrant offender in both respects than any of his predecessors. He had only lately elevated his favourite Geoffrey Des Roches, by his own mere authority, to the bishopric of Winchester. Geoffrey was more of a soldier than a priest; and was generally regarded as a person unfitted for any sacred duty. But he took the right course to secure his seat. Travelling as fast as horses could carry him and his money-bags, he hastened to throw himself at the feet of the Pope; and by this timely submission, and a liberal distribution of the funds with which he had supplied himself, succeeded not only in overcoming the scruples of the curia, but in procuring confirmation and consecration by the hand of the pontiff himself.[r]

Death of archbishop Hubert, and state of parties.

The case of Geoffrey of Winchester afforded no very favourable opportunity to dispute the prerogative of the crown. The new bishop had taken care that his elevation should appear as the act of the Pope rather than that of the King; and thus the delicate question of prerogative was evaded. But soon afterwards an occasion presented itself which raised the question in the fullest force. On the 13th of July 1205, archbishop Hubert of Canterbury died; and the election of a successor gave occasion to a conflict of claims, of which there had been hitherto no instance in the Anglican church. The King, who of late had suspected Hubert of a treasonable connexion with his enemy Philip Augustus, was glad of the opportunity to appoint an archbishop more to his mind; and had already fixed upon John de Grey bishop of Norwich for the primacy. The canons regular of the monastery of Christchurch at Canterbury had up to a recent period exercised the right,

[p] *Epp. Inn. III.* lib. viii. ep. 5, ap. *Raynald.* an. 1205, § 61, p. 228.

[q] *Ibid.* ep. 162; *Raynald.* ubi sup.

[r] *M. Paris*, an. 1204, p. 178.

subject to the royal approval, of electing the primate of all England. But upon occasion of the three last vacancies the suffragan bishops of the province had claimed a consultative vote in the election, in conjunction with the canons, though, in like manner, subject to the royal assent. To this participation the canons had reluctantly submitted, and determined to seize the present opportunity to rid themselves of this obnoxious intrusion upon their ancient right. The subsisting understanding between the King and the comprovincial bishops took away every chance of excluding the latter from their share in the election, and the monks resorted to stratagem to interrupt the continuity of the precedent.

Stratagem of the monks of Canterbury.

The consent of the crown could not be asked without betraying their purpose; accordingly at midnight of the 13th to the 14th of July 1205, a majority of the canons, consisting mostly of the junior members, assembled in chapter, and hastily elected their sub-prior Reginald—a person of no note—rather with a view to raise the question of right than from any special predilection for the person chosen. Despatch and secrecy were of the utmost importance; and Reginald, furnished with every necessary document to verify his new position, was sent off to Rome under the strictest injunctions to hasten his journey, and to maintain the closest secrecy as to the object of his mission, until he should have obtained the pontifical confirmation. But unfortunately for the success of the scheme Reginald, when he landed on the Continent, could not resist the temptation to parade his new dignity in the eyes of the world. He publicly announced his election, and even exhibited his testimonials. The report, of course, soon reached the ears of the King and his bishops, and enabled them to take all necessary steps to defeat the intrigue, and put the Pope upon his guard.[s]

Each of the parties—King, bishops, and canons—had now its own special object to carry through. The King

[s] *M. Paris*, pp. 183-185; *Raynald.* an. 1205.

counted upon seating his favourite, the bishop of Norwich; the bishops were bent upon establishing their right to participate in the election; and the canons were as little disposed as ever to admit the claim. But, disgusted with the miserable incapacity of the puppet they had set up, and in the hope of drawing the election exclusively to themselves, they humbly solicited the permission of the King to elect a primate. John, who thus found himself master of the election, granted the petition, and presented to them the bishop of Norwich as the object of his choice. Without further consulting the suffragans, the bishop was, according to ancient form, elected in the presence of the King, and was by him invested with the temporalities of the see of Canterbury. Letters were in all haste despatched to Rome to announce the election to the Pope, and to protest against the clandestine proceeding by which it had been attempted to defeat the King's prerogative and to set aside the votes of the older and sounder members of the chapter.

The King and the canons of Canterbury elect the bishop of Norwich.

Meanwhile the presumptive primate Reginald and the deputation of the monks had arrived in Rome, and preferred their petition for the papal confirmation. But Innocent, who was not in the habit of despatching business of importance without due deliberation and inquiry, civilly informed the deputation that "no final steps could be taken in their business until the Holy See should be furnished with further and fuller information." It appears, however, that they had succeeded in making an impression on the mind of the Pope upon one important object of their mission; and a strong intimation was conveyed to the suffragans of the province that it would be no easy matter to them to make good their pretensions against the prescriptive rights of the chapter. When, however, the envoys of the King and the canons arrived, introducing the bishop of Norwich to the Pope as the legitimate archbishop, the representation of all the parties to the suit appears to have been complete; and the case as between the King and the bishop of Norwich on the one

Proceedings of the parties at Rome.

part, and the pretender Reginald on the other, was in a state for hearing and final decision.

The suffragans of the province of Canterbury had in substance received their answer; and Innocent professed to give an impartial hearing to the parties actually before him. The first to be heard were the sub-prior Reginald and his friends. Their claim was resisted by the King's advocates upon the ground of the clandestine character of the election; and specially because it was made without the consent of the King, and against the sense of the better and sounder part of the chapter; and they prayed that it be set aside in favour of an election made in open day and with the requisite approbation. They concluded, therefore, by moving the pontiff to confirm the bishop of Norwich in the primacy of England. The party of Reginald might despair of carrying the papal decision in favour of their candidate; but they might still defeat the pretensions of the bishop of Norwich. To that end they objected that, whatever may have been the defects of the prior election, it was, at all events, a *prima facie* election, which must be canonically disposed of before any subsequent election could take place: before then there was, in fact, no vacancy; and consequently any subsequent proceeding of that kind must be absolutely void: this defect in his title, they contended, put the bishop of Norwich out of court: and having thus disposed of his case, the sub-prior Reginald became entitled to the judgment of the Pope. The objection was, in truth, fatal to the claim of the bishop; but the inference in favour of his opponent was by no means so obvious to the mind of Innocent. At the same time he was not slow to perceive that the plea might be made to throw the election into his own hands. The defects of Reginald's case were too apparent to afford him a chance of success as long as an alternative could be found. The subsequent act of the canons might be construed to have annulled the earlier proceeding; and thus the ground would be struck from under the feet of their sub-prior.[t]

The Pope declares the see of Canterbury vacant.

[t] At least so it might be in an age little accustomed to the refinements of

It was, however, not quite apparent whether the rejection of Reginald must not draw after it the recognition of the bishop of Norwich's title; but the Pope laid hold of the objection raised by the partizans of his adversary, to pronounce both elections void, and to declare the see of Canterbury vacant.

Innocent takes the election of the archbishop of Canterbury into his own hands.

But a simple declaration of vacancy would not have answered the Pope's purpose. It would, in fact, have left every material question in the cause undecided. The Holy See had a long account to settle with the government and church of England. He therefore determined to seize this opportunity to bring the hitherto ambiguous relations between Rome and England to a definite conclusion; and, by the most unsparing use of the pontifical powers, to place himself, if possible, at the head of that refractory and unmanageable church. He knew that the Norman kings of England had always chosen their own bishops, and that since then no valid election was even possible without the previous consent of the sovereign. The intent of pope Innocent was to divest the crown of this obnoxious prerogative; and for that purpose he resorted to the ordinary shifts of pontifical tactics. He protracted negotiations: he spoke and wrote in a sense which conveyed no definite idea of the way he intended to act: the parties were led to believe that he was intent solely upon settling their respective rights; while he was making himself a party to the dispute, and taking advantage of his position as judge to turn them to his own profit. In the case

legal reasoning, familiar to a more advanced stage of civilisation. It might, *we* should say, have occurred to the advocates of Reginald to contend that the *mode* of his election made no difference in the case. The Pope had repelled the claim of the suffragans to form part of the electoral body; and certainly he would not incline to admit the demand of the King; there would, therefore, remain no one but the chapter to act in the matter: now the chapter, or a majority of that body, had met, and, in the exercise of their ancient and acknowledged right, had elected their sub-prior Reginald: the *time* for the proceeding was chosen with a view to prevent illegal and uncanonical interruption, and was in itself a matter of indifference: it was, therefore, too late now for the chapter to repudiate their own deliberate act; so as, consistently with canonical rule, to proceed to a second election: that election being a mere nullity, there was now, on their part, nothing to appeal against; and Reginald was entitled to confirmation, as if there had been no appeal at all.

before him he accordingly decreed that the claim of the comprovincial bishops was unwarranted: that the right to elect the primate was vested exclusively in the canons-regular of Canterbury: that the election of the bishop of Norwich pending a prior election, however irregular, was void: that the election of Reginald was no less objectionable on the score of secrecy and undue precipitancy: and that by all these deficiencies a proper legal vacancy had occurred, which it was the duty of the Holy See canonically to fill up.

This last clause of the award fully disclosed the Pope's purpose. It might have been supposed that the canons would be sent back to their monastery, to make an independent choice, free from the interference of the King or the suffragans. This, however, was by no means the intent of Innocent. The monks of Canterbury were ordered to send fifteen of their number to Rome, to receive their directions from the Pope. In due time the canons appeared; but do not seem to have brought with them any instructions from the chapter as to the object of their journey, or how they were to act with reference to the King or their own body. Twelve out of the fifteen lay under an oath to king John not to elect any one but the bishop of Norwich. But the Pope ordered them to constitute themselves in chapter, and presented to them his friend Stephen Langton, cardinal priest of St. Chrysogonus, as a fit person to fill the vacant chair. The monks, however, timidly objected that they had no power to form a chapter; that they had come simply to defend the rights of their monastery; and that they were not competent to elect an archbishop without the previous consent of the King. Innocent, however, silenced their objections by constituting them a chapter by "the authority of God and the Apostolic See." As to the royal assent, he assured them that *in all elections made in the presence of the Pope, the concurrence of secular princes was never waited for.* He therefore commanded them, by their duty of obedience and on pain of excommunication and anathema, to proceed to elect Langton

Election of cardinal Langton.

as their archbishop. Overcome by this awful menace, the monks, "with many misgivings and murmurings, and sorely against their inclinations," proceeded to elect cardinal Langton rather than brave the terrible penalty which they well knew would attend further resistance. To the vehement remonstrance put in on behalf of the King and the bishop of Norwich, the Pope did not think fit to reply; and on the 17th of June 1207 he, with his own hand, consecrated Stephen Langton, at Viterbo, archbishop of Canterbury.

Character of the papal proceeding in the election of Langton.

The elevation of Langton to the primacy of England can be justified only upon the principle that the power of Christ's vicar upon earth is limited by no laws, nor governed by any consideration but the indefinite largeness of his own spiritual and temporal dominion. In the perusal of the works of Innocent III. we meet with frequent mention of "sacred laws," "rules," "decrees," and "Constitutions of the Fathers;" yet we do not remember an instance in which he quotes, either verbatim or by distinct reference, a scrap of ecclesiastical or even of decretal law. We believe that if the repertories of canon-law were thoroughly searched, it would be impossible to hit upon a justification for the proceeding of the Pope in the case before us. The alleged custom or rule, that "when an election takes place in Rome the assent of princes or patrons is not to be waited for," is a pure fiction. By the general law of the church, the election of a bishop, but more especially of a metropolitan bishop, out of his own diocese or province, and without the consent of the comprovincial bishops, is contrary to the earliest enactments of church legislation; and even upon the supposition that, by the appeal of the parties, the Pope was at liberty to declare a vacancy, there could, after determining the rights of the parties, be no plea for depriving them of the exercise of those rights, and taking it wholly into his own hands. It is probable that upon these grounds the scruples of the monks of Canterbury were found too strong to be overcome by any motives but those of intimidation.

Granting that in many respects the choice of Langton was judicious, yet he was not *their* choice: the chapter was never legally constituted; the candidate proposed could be known to them only by reputation; every step in the Pope's proceeding was a shock to the usages of their church; they felt that they had no authority from their own body to elect a primate; and that no such authority, according to the uniform usage of England, was available without the King's consent to its exercise. Perhaps it did not escape their observation that the rule alleged by Innocent might be extended to an absolute nomination to all ecclesiastical office, since the Holy See was constructively present wherever there happened to be a legate à latere,—that is, in every part of the Latin world.

But Innocent III. was much less solicitous to set himself right in the eyes of that world than to put his adversaries in the wrong. And in this process he generally found his game ready-made to his hand. His adversaries for the most part hastened to afford him the advantage he most desired. In the case before us, the frantic folly of king John was his best ally. On their return the monks of Canterbury were impeached of high-treason: they had received the King's money to plead the cause of the bishop of Norwich, and had not only thrown him over, but had elected the King's enemy, one of whom he knew nothing but that he had been high in favour at the court of his bitter foe, the king of France.[u] Two of the King's ruffians[v] were instantly despatched with a troop of horse to drive the monks out of the country, and, in case of resistance, to put them to death. The King's officers executed their orders in the temper in which they were dictated. They broke into the monastery with drawn swords; the prior and monks were ordered to get out of the kingdom as fast as their legs could carry them; and threatened, if they resisted or

The King expels the monks of Canterbury, &c.

[u] Langton had been lord-rector of the university of Paris, but had been removed from that high office to Rome, and raised to the dignity of cardinal.

[v] Fulk de Cantelou and Henry of Cornhill.

delayed, to see their monastery set on fire, and themselves thrust back into the flames. The monks saved them and their master from the guilt of sacrilege and murder: they fled the country as fast as their means permitted, and took refuge among their brethren in Flanders, where they were hospitably entertained. By the King's orders, the monks of the order of St. Augustin of Canterbury were installed in the vacant monastery, and the estate of the see and the chapter were sequestrated to the use of the crown.

King John angers the Pope.

Towards the Pope himself king John indulged in the language best adapted to sting the proud and passionate pontiff to the quick. He accused him of openly playing into the hands of his enemies—of promoting a notoriously disaffected stranger to the primacy of the realm—of exhausting the kingdom of its wealth, and requiting his generosity with the basest ingratitude:[w] he vowed that he would not abate one jot or tittle from the prerogative of his crown: that he would never accept Stephen Langton as primate, nor desist from maintaining the right of the bishop of Norwich; neither would he permit a foreigner and an enemy to set foot within the realm.

Innocent claims "*the plenitude of power* over the church of Canterbury."

To this vehement and insulting protest the Pope replied that the King's objections to the election of Langton were both false and frivolous. It was, he said, untrue that John knew nothing of Langton; that prelate, in fact, enjoyed a world-wide reputation for learning and piety: it was equally untrue that the Archbishop was the King's enemy; for that John himself had stood in friendly correspondence with him since his elevation to the dignity of cardinal, and had even invited him to visit his court: it was equally untrue that the King's

[w] "He (the Pope)," said John, "had drawn greater treasures from the kingdom of England than from any country in Europe north of the Alps." There was good ground for this reproach, if regarded in a secular point of view. But this was only the ordinary mistake of princes, that any reciprocity of obligation could subsist between the pontiff of the Holy See and themselves. See an instance of the mode of proceeding of the apostolic legates in that of John of Ferentino in England, apud *M. Paris*, p. 179.

consent had not been asked; for, although it was contrary to ecclesiastical usage to await the consent of princes when an election took place in the presence of the Holy See, yet that two monks had been sent to convey the pontifical request for his sanction to the election; but that they had been wilfully detained at Dover, and had thus been prevented from performing their duty. "Now we," the Pope continued, "*who have the plenitude of power over the church of Canterbury*, having for this once condescended to request the royal sanction to our choice, did not deem it expedient to ask the same favour a second time; . . . we therefore determined to act as directed *by the canonical rules of the holy fathers*, framed for the express purpose of preventing any delays or difficulties in the ecclesiastical administration, lest the Lord's flock should remain without a pastor."[x] —"There had therefore," he continues, "been a proper canonical election, from which he could not, without loss of reputation and a great shock to his own conscience,[y] withhold his sanction: let the King, therefore, abstain from taking arms against God and His Church —that Church for which the glorious pontiff and martyr Thomas had so recently shed his blood: let him no longer stand up for those vicious customs[z] which both his father and his brother had solemnly renounced in the hands of the legate of the Holy See."[a]

Not many months after the sequestration of the church and chapter-lands of the see of Canterbury, pope Innocent sent by the hands of the bishops of London, Winchester, and Ely a

England laid under interdict.

[x] The most charitable construction we can put upon this declaration of right is, that whenever, by reason of a division among the electors, or of opposition from the secular powers, any difficulty or impediment is thrown in the way of filling a vacant see, the Pope may of his own authority take the election into his own hands. As usual, he affords us no clue to the particular "canonical rule" upon which he grounds his pretensions. But this is much too partial an exposition to meet the terms used in relation to the see of Canterbury. The pontiffs of Rome affected to regard that see as a *papal foundation*, and therefore claimed an absolute right of patronage. We believe this to be the meaning of the Pope in affirming that he had "*the plenitude of power over the church of Canterbury*."

[y] Suppressing, however, the fact that there had been *no real election*; Langton having been simply the nominee of the Pope.

[z] The Constitutions of Clarendon.

[a] This letter is dated in the twelfth year of the pontificate, A.D. 1209.

message to the King, threatening the kingdom with an interdict unless the church-estates were instantly released, the new Archbishop admitted, and the monks restored to their monastery and property; intimating at the same time that he had worse things in store for him if he should prove refractory. When the bishops delivered their message, the King's anger broke out in "wild oaths and blasphemies against the Pope and his cardinals. He swore by 'God's teeth' that if either Pope or prelate presumed to lay the kingdom under interdict, he would pack off every rascal priest out of the kingdom, and send him to the keeping of the Pope at Rome: moreover, if after that any Roman emissary should be found in his realms, he would pack them off without eyes, ears, or noses, to be scarecrows to all nations." Driven with disgrace from the King's presence, the bishops without loss of time published the interdict throughout the kingdom,[b] and made all haste to place themselves out of the reach of the vindictive tyrant. In a moment all divine offices, excepting confession, the service for the dying, and the rite of baptism, ceased simultaneously throughout the kingdom; the bodies of the deceased lay unburied, or were "carried away out of the towns and villages and interred in crossroads and ditches like dogs." John retaliated this bitter injury by confiscating the property of the superior clergy and monasteries throughout England. Their stores, granaries, and household furniture were seized to the use of the King; and the inhabitants were turned out of doors with little more than the clothes on their backs. The tenants of the churches were compelled to redeem their private property at a heavy price; travelling churchmen were robbed of their beasts; and the persons of the clergy generally put out of the protection of the law. The vengeance of the King extended to the relatives and connexions of the exiled bishops; these persons were sought out, cast into prison, and their estates and property confiscated.[c]

[b] On the Monday of the Easter week of the year 1208 (23d of March).

[c] "While their brethren in England," says *M. Paris* (p. 191), "were suffering

This state of things had lasted for nearly two years before the next blow was delivered from Rome. In no respect is the contrast between the character and policy of Innocent III. and those of his opponent more conspicuous than in the patience with which he watched the effect of the first stroke before he raised his arm to deliver the next. Between suspicions and fears, the loss of friends and the popular discontents, the government of king John had declined into an unmitigated tyranny. The religious privations of his subjects had made no impression upon the obdurate heart of the selfish sensualist. But every day that passed over his head added to the growing disaffection of the barons, and drove them —reluctantly indeed—into the arms of the papacy. Nothing short of the intolerable vexations of the King could have imparted the like power to the papal censures in this country, they had been found to possess in other parts of the world. The barons of England were more closely united with the crown; the clergy of England were more intimately attached to their ecclesiastical liberties and customs; and both barons and prelates sympathised more cordially with the people than the same classes in any continental state. There is every reason to believe that Innocent III., with these indications before him, would not have hazarded the last perilous aggression if he had been opposed by a moderately firm and consistent government. But the errors, the vices, or the misfortunes of rulers were in almost all cases the best allies of the papacy. In the inscrutable dispensations of Providence these evils were made to compensate each other; and thus a clear path was swept for the gradual advances of law and liberty, which might have been altogether arrested by the decisive preponderance of either.

Sources of pontifical influence in England.

The circumstances above alluded to may account for the delay of the last thunders of the Lateran. But

all these afflictions, the expatriated prelates, like faithless shepherds who desert their flocks when they see the wolf coming, were enjoying themselves in luxurious living abroad."

now the honour and credit of the Holy See had become involved in the issue of the struggle; and the three bishops of London, Winchester, and Ely were directed to pronounce sentence of excommunication and anathema against king John of England; and to cause the same to be published in all the churches of the kingdom, on every Sunday, saint's-day, and holiday throughout the year; enjoining at the same time upon the faithful to shun every kind of communication with the King on pain of the like penalty. The three bishops executed their commission from a safe distance; but the prelates and clergy who had braved the persecution, and remained at their posts, could not be prevailed upon to undertake the perilous duty of publishing the edict.[d] The substance of it, however, was speedily whispered abroad. The people did not fail to sympathise with those conscientious churchmen who declined to serve an excommunicated king. John knew not whom to trust; and persecuted with unrelenting cruelty all whom he suspected of political or religious disaffection.[e] The estates of Hugh, bishop-elect of Lincoln, were sequestrated for accepting consecration from archbishop Langton in Normandy: the extravagances of the King, and the wants of his exchequer, impelled him to the most irregular and extortionate modes of filling his empty coffers: the Jews were made to disgorge their hoarded wealth by torture; large sums were squeezed out of bishops, abbots, abbesses, priors, and the knights of the military orders, either in the shape of redemption money for their forfeited estates, or ransom from the systematic pillagings of the King's officers, sheriffs, and bailiffs.[f] The Jews fled the country to escape ruin and penury. Barons, gentry, citizens fared little better.

Excommunication of king John.

Persecutions and extortions of the King.

[d] But whether from fear or reluctance to compromise the liberties of the Anglican Church may be doubted.

[e] See the case of the archdeacon of Norwich, one of the barons of the king's exchequer, whom John tortured to death for refusing to serve him after the excommunication. Also, that of the wife and son of William de Brause, ap. *M. Paris*, pp. 192, 193.

[f] By these means he is said to have accumulated 100,000*l.*: to which sum the White friars (Cistercians) of England contributed no less than 40,000*l.* *M. Paris*, p. 193.

Extravagant scutages and other illegal duties were levied on the King's vassals in chief and their subtenants on a variety of pretexts. The King, goaded onwards by his own furious passions and the flatteries of those who hoped to profit by them, rushed madly on the road to ruin; till the exhausted subject was prepared to embrace the worst enemy of his country's liberties as his only friend.

Difficulties of accommodation with the Pope.

Pope Innocent looked on patiently while the leaven of disaffection was working in England. He could not be ignorant of the general discontent which deranged the habitual dispositions of the people, and must shortly afford a favourable opportunity for the last and fatal thrust of the spiritual sword. In the year 1211 his legates, cardinal Pandulph and brother Durand of the Temple, appeared in England, as usual in the ostensible character of peacemakers. Their first demand was the restoration of the exiled bishops and clergy; a proposition which by this time John was not disinclined to entertain. The next demand, however, was, that not only the clergy but the laity, who had been driven from the country to escape his persecution, should be indemnified to the last penny for all the losses they had sustained by the King's depredations. But the vast sums collected from church and private estate were spent and gone; and there remained behind a startling amount to be claimed for arrears, dilapidations, and naked robberies. The Pope could not but know that repayment in full of all the King's extortions must reduce the crown to indigence, and that assuredly his subjects would lend no willing hand to enable him to discharge the debt. It was equally clear that after six years of indiscriminate pillage the mere operation of estimating the indemnities to be paid must be an embarrassing task. The greed of the claimants, and the reluctance of the grantees of the crown to part with their ill-gotten gains, would render the settlement of the account at best an arduous and perplexing undertaking; while at every stage of the process the vexatious interferences of Rome would tend to keep the

government in hot water, and encourage the restored churchmen to raise their indemnities as much above their actual losses as occasion, or their own ingenuity, might suggest.

The King refuses the Pope's terms.

But besides all this, the mere contemplation of the immense sums he was required to disgorge, at once stung the rapacious despot to the quick, and threw him back into that state of impotent rage to which he owed all his misfortunes. To the demand of the indemnity he returned a harsh and peremptory refusal; the legates departed in wrath, and the Pope prepared to discharge the last arrow from the spiritual quiver. Meanwhile archbishop Langton and the proscribed clergy bestirred themselves to direct its flight so that it should strike the heart of their oppressor. In company with the bishops of Winchester and Ely, he proceeded to Rome armed with a long catalogue of the misdeeds of the King, and a petition to the Pope to interpose on behalf of the perishing church of England. A solemn congregation was held: the Pope prefaced the proceedings by a long enumeration of the crimes of the King against the Church and his own subjects: "he had ruthlessly plundered the sacred treasury: he had reduced his nobility to indigence by his oppressions: he had seized their children as hostages: he had abused their wives and daughters: he had made every man of condition and good repute in the kingdom his enemy." The truth of most, if not all, these articles of impeachment could not be questioned. The Pope had succeeded in placing his adversary in the position to which he had all along intended to reduce him. The treason of the bishops was now their special merit; and upon the motion of the pontiff it was unanimously agreed that *John king of England be deposed from the royal crown and dignity; that his subjects be absolved from their oaths of allegiance, and be at liberty to transfer them to a person worthier to fill the vacant throne.* The execution of the sentence was, in the same breath, delegated to *king Philip Augustus* of France, the bitterest of John's enemies, "to

Deposition of king John, and transfer of the crown to king Philip Augustus.

the intent that he should, for the remission of his sins, expel and drive out the said John from the kingdom, and take possession thereof, *to hold the same to himself and his heirs as lawful king of England.*" The subjects of the late king were commanded to give all aid to the French king in vindication of the injuries of the Catholic Church; a crusade was proclaimed against the outcast, and every indulgence and protection granted to those who took up arms for the rescue of the Holy Sepulchre was promised to all who should lend their services against the enemy of God and His Church.

Astute policy of Innocent III.

It is, however, improbable that the Pope should have intended to add another kingdom to the crown of France. It was necessary indeed that the parties should believe him in earnest; but it was not certain that even the conquest of England by Philip Augustus would have the effect of reducing the prelacy of England to the submission required; or that the king of France would be one whit more subservient to the projects of the papacy against the church and kingdom of England than John himself. The chances of success which the insolent yet cowardly spirit of John afforded were far more promising. Symptoms of vacillation and doubt in the mind of the latter had not escaped the diplomatic discernment of Pandulph and his colleague. The commissioner was sent for, and the design of Innocent was disclosed to him at a secret interview previous to his departure for France. His public instructions were to hasten the preparations of Philip Augustus for the invasion of England; to raise his hopes, and stimulate his ambition; but in effect to carry matters no further than would be requisite to reduce the mind of John to such a state of prostration as might incline him to accept the Pope's terms of accommodation; for which purpose the legate was supplied with a detailed programme of the conditions themselves, and the mode of laying them before the King.[g]

The interests of the Archbishop and his friends ran at first on all fours with those of the Pope. They hoped

[g] *M. Paris*, p. 195.

by putting the screw upon the King to regain their position at home, and to indemnify themselves for the losses and sufferings sustained. But here the correspondence of plan ended. It was not probable that, after the accomplishment of their purpose, the Pope would find them more pliant instruments for his ulterior views than their predecessors had been. Langton himself—as was proved in the sequel—was not a person to sacrifice the liberties of church or country to a slavish sense of obligation to Rome. And it was clear to the far-seeing glance of Innocent that, if he could master the King and government of England, he would acquire more effectual means of coercion—the only mode of government he thoroughly understood—than either the king of France or the national prelacy would be inclined to place in his hands.

Helpless alarm of king John.

But for the present both Pope and bishops thought it necessary to manifest infinite zeal and earnestness in the prosecution of the common purpose. The legates and the prelates solemnly notified his call to the king of France, his clergy and subjects. They placed in his hands a formal commission, directing him, by apostolical authority, and for the remission of his sins, to invade England; to depose the King, and place a more worthy person—himself, if it should so please him—upon the throne. Blinded by his passionate hatred of king John, Philip Augustus had no suspicion of the contemplated treachery; or he counted, if he had, by prompt action, upon reaping the harvest sown by the Pope before the latter could be prepared to gather it into his own garner. Not a moment was therefore lost in collecting a numerous fleet and army for the invasion of England. John meanwhile had assembled a force in numbers at least equal, both in men and ships, to that of his adversary. But soon the appalling conviction forced itself upon him that not a man of them could be relied upon to prevent the landing of his enemy on the shores of England. The spirit of the King underwent a sudden revolution; and he became as mean and maudlin as he had been proud and

arrogant. This was the moment for the intervention of the papal commissioner. He immediately sent two military monks to the King at Dover, to bring home to him the desperate state of his affairs. In a fit of unreasoning alarm, the King sent them back to fetch over Pandulph himself. The legate of course came prepared with all the facts and arguments most likely to deepen the impression already made. He informed the King "that his sworn foe, the king of France, was upon the point of invading England with a great host and a powerful fleet; that it was his firm purpose to thrust him (John) from his throne for rebellion against the Church, and, by the authority of the Holy See, to place the crown upon his own head as his rightful heritage: that the king of France would be accompanied by the archbishop, bishops, and clergy, whom he (John) had evicted, with intent to take back by force of arms their sequestrated lands and chattels, and to transfer their allegiance to the king of France: that the latter was in possession of written assurances of support from all the principal nobility of England, after which he could entertain no reasonable doubt of success: now, in this desperate state of his affairs, what alternative," he asked, "had the King but by suitable penance to propitiate the Lord he had offended, through His ministers and servants? If, then, such was his intent, his first step must be to give satisfactory security to obey the judgment of the Church, and by the merciful interposition of the Holy See to recover the kingdom he had forfeited by his crimes."

Pandulph again in England.

King John was a moral—if not a physical—coward. It was obviously too late to attempt to awaken the spirit of the nation against the foreign yoke in preparation for them. It was equally clear that he had no means of counteracting the intrigues of his own rebellious vassals. His long seclusion from those rites upon which his church taught him to repose his hopes of salvation, and the apprehension skilfully insinuated that his present dangers and difficulties were a visible judgment in punishment

Terms of reconciliation stated and accepted by king John.

for his disobedience to the commands of the God-man at Rome, kindled a passion of terror in his mind which bereft him of all self-possession. In this miserable state of trepidation he threw himself and his kingdom into the hands of the papal commissioner without reserve. As a test of his conversion a preliminary oath was tendered and taken, pledging him unconditionally to obey the commands of the Pope as to all the matters for which he had incurred the sentence of excommunication. Sixteen of the barons of his court took the like oath as his warrantors.[h] At a secret interview Pandulph now produced the programme of the conditions, upon the full performance of which the King might hope for the grace of absolution. These conditions comprised: 1st, the absolute reinstatement of all the exiled prelates and clergy in all their dignities and possessions, with oblivion of the past and full security for the future; 2d, the unreserved *surrender into the hands of the pontiff of all right of patronage in respect of prelacies and other benefices in the church of England;* 3d, *full restitution, indemnity, and compensation* to the exiled clergy and laity for all losses sustained in the service of the Church during the late persecution; with the immediate payment of a sum of 8000*l.*, as a first instalment of the indemnity, to be paid down on the nail to the archbishop, the bishops of London, Winchester, Ely, Bath, and Lincoln, and the monks of Canterbury; 4th, the reversal of all outlawries against persons engaged in the service of the Church during the same period; 5th, the absolute reservation to the sole arbitrament of the Pope or his legates of all disputes that might arise in the amount and apportionment of the compensations to be made.

The King surrenders crown and kingdoms to the Pope.

But though the fulfilment of these preliminary conditions might entitle him to absolution, it would give the King no claim to the *protection* of the Holy See against the dangers which beset him; his enemies would still be bound,

[h] These "conjuratores" swore to their belief in the sincerity of their principal, and obliged themselves to the best of their ability to hold him to his promises.

under the pontifical ordinance, to invade the kingdom and drive him from the throne; there was but one mode of saving himself and his crown. Pandulph was by this time assured that there was no depth of ignominy to which king John was not prepared to descend to elude the natural consequences of his own follies and vices. And in this spirit John yielded to the perpetration of an act of treason against his crown and people which has rendered his name a byword of contempt to all posterity. On the 15th of May, in the fourteenth year of his reign, at the house of the Templars, not far from Dover, he solemnly surrendered the crowns of England and Ireland into the hands of the Pope's minister, in token of the delivery of the fee of those kingdoms to the Holy See, he (the King) receiving them back as the sworn vassal of Rome; in confirmation of which resignation and surrender the King executed and published the following charter:

"We John, king of England, do hereby acknowledge and publish to all men, and do by this our charter make known that, inasmuch as we have in many things grievously offended against God and our holy mother the Church, and have therefore pressing need of the divine mercy; and whereas we have no means of making due satisfaction to God and His Church otherwise than by devoutly humbling ourselves and our realms before Him; we, with intent so to humble ourselves, and in imitation of Him who humbled Himself even unto the death of the cross for our sakes; being moreover moved thereunto by the Holy Spirit, and wholly uninfluenced by the fear of the interdict or any human motive, but entirely of our own free will and pleasure, do hereby, and by and with the common counsel and advice of our barons here present, for the remission of our sins and those of our ancestors and relatives dead or alive, resign and freely make over to God and the holy apostles Peter and Paul the whole and every part of the kingdoms of England and Ireland, with all their several rights and appurtenances; we receiving back, and henceforth holding the same kingdoms of and from the said

Charter of surrender.

Holy See, and the Pope of Rome as his sworn vassal: in testimony of which premises we have, in the presence of the learned Pandulph, subdeacon and envoy[i] of our lord the Pope, sworn and done liege homage unto our lord pope Innocent and his Catholic successors, in like manner and to the same intent as we should do if we were now in the bodily presence of our said lord: and in further testimony of this our perpetual obligation, we will and determine that—exclusively of Peter's pence—there be set apart from the revenues of the kingdom the sum of 1000 marks sterling, in lieu of all custom and service which we have bound ourselves to render unto the said Holy See, to wit, 700 marks for the kingdom of England, and 300 marks for the kingdom of Ireland, to be paid in two half-yearly payments, &c.; saving, however, to ourselves all our jurisdictions, liberties, and regalia: which things we do for ourselves and our successors hereby establish and confirm; in such wise that if either we or they shall gainsay or infringe this charter, any such opponent or gainsayer shall forfeit all right and title to the kingdom, except, after due admonition, he shall repent."[j]

Innocent deceives the king of France, and countermands the invasion of England.

After this unqualified success, Pandulph hastily gathered up his charter and his money-bags, and hurried to rejoin the exiled prelates in Normandy, to communicate the tidings of their restoration, and to divide the money among them.[k] Hastening then to the camp of king Philip Augustus, and finding the army on the point of embarkation for England, he coolly informed the King that there was now no further occasion for his services; and that in fact any attempt to invade the kingdom, or to annoy the king of England, must be highly offensive to the Holy See, inasmuch

[i] Pandulph was not strictly a *legate* of the Holy See. He was originally accredited only to the king of France; his mission to England was rather incidental and discretionary, and not in the ordinary legatine character.

[j] After the king's signature the document was witnessed by the archbishop of Dublin, the bishop of Norwich, eight earls, and three barons. *Epp. Inn. III.* lib. xvi. nos. 76, 77, p. 785, dated 13th and 15th of May 1213.

[k] The archbishop of Canterbury received 2,500*l.* out of the 8000*l.*; the bishop of Ely got 1,050*l.*, four bishops 750*l.* each, and the monks of Canterbury 1000*l.* What became of the residue of 450*l.* is not said.

as that kingdom was now part and parcel of the patrimony of the Church: it was therefore his duty to dismiss his army, and himself to return home in peace. The discovery that he had been egregiously duped by the Pope naturally raised a storm of indignation in the breast of king Philip: he had, he said, been drawn into enormous expense; he had called forth the whole strength of his dominions, under the delusive promise of a kingdom and the remission of his sins: all this he had done at the command of the Pope, and under his express sanction. But this remonstrance met with no other response than a repetition of the order to desist from hostilities against the vassal of the Holy See. Philip swore that, rather than incur this heavy loss for nothing, he would do without the Pope. The Pope, however, found that he could now do without the King. Philip thought better of it, and determined to turn his arms—in the first instance at least—against his revolted vassal, earl Ferrand of Flanders. John was delivered from the present danger of invasion, and found himself at liberty to indulge his resentments against his disaffected subjects under the wing of the Church.

Character of the transaction as it affected all parties.

Looking at this transaction in all its aspects, the shame and the reproach, we think, may be fairly distributed among all who took interest or part in it. Assuredly the Pope and the kings of England and France claim the greater share. But the constituency of the kingdom—barons, vassals, and, probably also, people—must bear their part. As to king John, it is needless here to rehearse the concurring judgment of his own and all subsequent ages. He was precisely the kind of tool the see of Rome had hitherto found most serviceable in the building up the stupendous structure of her power.[1] The vices, the follies, and the errors of princes had al-

[1] There is a striking analogy between the dealing of Hildebrand with the vicious youth of Henry IV. and that of Innocent III. with king John. In like manner the vices of Philip Augustus had recently been laid under contribution; so likewise those of many other kings, princes, and peoples before and after; in no case without some increment of temporal advantage to the Holy See.

ways been the best friends of Rome. But it would be unfair to Innocent III. to cast upon him the whole odium of a policy from which he was unable, even if he had been willing, to depart. Lothario di Segni had grown up with the examples of his most illustrious and successful predecessors before his eyes. In the earliest years of his life he had drunk in the principles of government promulgated and acted upon by such men as Gregory VII., Innocent II., Hadrian IV., and Alexander III.; he had digested them with a vigour of mental constitution of which there are few instances in the history of church or state. In thought and word he acknowledged the great duty of reforming the world and correcting the vices of a froward generation; but he could not desert the policy of his most distinguished predecessors to turn them to the profit of the Holy See. In the mind of the papacy the interests of personal and corporate ambition, and of religious duty, had so completely run into one another, that the pontiffs of Rome were by this time unable to draw a distinction. The reproach upon the memory of Innocent III. is accordingly not so much that he availed himself adroitly of the vices and errors of king John, as that, after he had succeeded beyond expectation, he upheld him throughout his subsequent career of wickedness and folly, for no better reason than that he was the most convenient instrument at hand for the completion and perpetuation of his conquest. In the character of the king of France perfidy and cunning were combined with great ability in government. As long as he saw a prospect of gratifying his ambition and revenge he did not object to appear before the world as the tool of the Pope, and to coöperate ostensibly with him in the common purpose of dethroning the king of England. Yet no one knew better than Innocent III. that the conquest would simply operate to transfer the kingdom to one who owed him a deep grudge for the past, and would hold his acquisition with a firmer grasp, and govern it in a more independent spirit, than suited the policy of Rome, even in the—not very probable—event of his consenting to hold it as a vassal of the

Holy See. Innocent accordingly entertained no scruple in taking the grasping and vindictive spirit of the French king into the account, in calculating his chances of success, and dropping him out of it as soon as he had ascertained the possibility of appropriating the whole advantage to himself.

Conduct of the insurgent barons and people of England.

We might incline to a severe censure upon the nobility and people of England for their share in the intrigues with France, which ended in the sacrifice of the independence of their country. The reproach would attach to them in an unmitigated shape but for one consideration. There was not, in that age, a disposition to regard the French people as standing in the same degree of national separation as in the subsequent period. The two nations were not, as in aftertimes, disposed to regard each other as natural enemies. The more powerful nobles were of French or Norman extraction; in camp and court the language of daily intercourse was still French; and the connexion of the English princes with Norman and Aquitanian France had been too intimate to allow the sentiment of national alienation, such as unfortunately prevailed in a later age, to become rooted in the minds and habits of both parties. It may, therefore, be fairly admitted that the intrigues of the English barons with France, entered into with a view to rid themselves of the ignominious yoke of their domestic tyrant, did not bear the odious character which the like treason must have borne when all the sympathies of nationality had become extinct, and the two nations stood opposed to each other in the character of hereditary rivals and habitual enemies. Considerations of the remoter consequences of a particular line of conduct rarely enter into the calculation of nations suffering under immediate perils or calamities; and the patriotic barons of England—who were at that moment maturing in their minds the provisions of the great charter which was to secure the liberties of their country for all ages—may be pardoned for looking out for those incidental aids which the conflict between the King and the Church, and, more

especially, the interposition of king Philip Augustus, seemed to afford.

Gains and losses of the parties.

If we would strike the balance of loss and gain between the parties to this memorable transaction, we should say that—for the present at least—the whole gain must be written to the account of the papacy. The gain of John was negative; he had saved his throne, and distanced his hereditary enemy. The king of France had been induced, by an almost unexampled course of double-dealing, to incur great pecuniary loss without a prospect of compensation. The barons of England were deserted with equal ease as soon as they had served the purpose of Rome: they were told to submit with becoming humility to the King whom the Holy See now delighted to honour, and to look to him, under the counsels of the Pope, for the remedy of any grievances they might have to complain of. On the other side of the account we find that Innocent III. had gained a kingdom. John now occupied the same position to the Holy See in respect of England, as that in which he had stood to the king of France as duke of Normandy and count of Anjou. He was the Pope's vassal; and, in that character, subject to duties and obligations which, under favourable circumstances, might be made to overbalance the royal authority, to overawe the Church, and to establish precedents and pretensions which could not but be productive of those peculiar gains for which the court of Rome had from all time entertained an inordinate craving. The consideration that the king of England might have no legal power to transfer the kingdom to a stranger without the consent of the people, gave the Pope no uneasiness. It was enough for him that king John had surrendered the crown, and become the vassal of Rome. In dealing with foreign states it had never been the practice of the Holy See to take any notice of merely domestic customs or national institutions. The Popes never complicated their policy by departing from the simplicity of despotism upon which the papal scheme was avowedly grounded. They uniformly held that kings and princes acted in the

name and behalf of their peoples, and that their covenants with the Holy See were, under all circumstances, equally binding upon both. The future was pregnant with innumerable evils and disturbances resulting from this mode of dealing. Between kings and popes a disproportionate amount of the wealth of the kingdom found its way into the coffers of Rome, and the Church itself became the subject of the corrupt bargainings of the crown and the curia. But between both stood the laws and customs of England, unfolding principles and practices which imposed a check upon the arbitrary acts of popes and kings, and which—though as yet obscure and undeveloped—had taken root in the heart of the nation, and presented formidable obstacles to any scheme of government which should throw the laws and interests of the people wholly out of consideration.

Return of the exiled prelates, and absolution of the King.

But as yet no part of the papal sentence had been relaxed but the actual forfeiture of the crown. Though commanded to return to their allegiance, the barons of England affected scruples to serve an excommunicated sovereign. Upon this plea, the army assembled at Portsmouth for the re-conquest of his Continental dominions refused to follow the King across the seas. In this difficulty he hastened the return of archbishop Langton and the exiled prelates. The latter had been in no great haste to quit their comfortable quarters in Flanders; and probably desired, by the delay, to secure advantages which certainly did not enter into the pontifical programme. But now, at the pressing solicitations of the King, they landed at Dover on the 13th of July (1213). John met them at Winchester; he threw himself at the feet of the primate and his colleagues, beseeching them "with many tears" to have mercy upon the kingdom and people of England. The prelates benignantly raised the prostrate sovereign from the ground; they led him by the hand into the church; they tendered to him an oath to cherish and defend the ecclesiastical privileges; to obey the Pope; *to restore, and thereafter ever hold fast by, the good*

laws of his predecessors, especially the good laws of Edward the Confessor; to abolish all illegal ordinances and levies; to administer justice to all his subjects indifferently, according to the custom of his courts; and to *restore to every man his just rights.* The ceremony concluded by a repetition of his oath of fealty and allegiance to the Pope, and a peremptory undertaking to discharge the whole of the stipulated indemnity before the Easter of the following year (1214). Upon these undertakings, he was formally relieved from the excommunication and received back into the bosom of the Church.

John complains of the barons and clergy to the Pope.

The army, however, which had now lain idle at Portsmouth for several months, refused to follow the King across the seas, alleging that the term of service had expired, and that their means were totally exhausted by the delay. In great anger John embarked with a scanty retinue, hoping that, after all, the barons would change their minds and follow him. But finding that they still hung back, he proceeded no further than the island of Jersey; and on his return to Portsmouth found that the army had disbanded itself. In a transport of rage he collected all the force at his command, and hastened by forced marches to chastise the barons of the north, to whom he imputed the late mutinous secession. Archbishop Langton, however, interposed; and even threatened him with a renewal of the excommunication if he ventured to persist in his vindictive purpose. It appeared by this plainly enough that the primate had determined to hold the King to the full performance of the oath sworn at Winchester, of which oath the maintenance of the *good laws of Edward the Confessor* and the abolition of abuses were principal articles. From this and perhaps other indications, the King had some reason to suspect the archbishop of an understanding with the disaffected barons. Envoys, furnished with abundant funds, were forthwith despatched to Rome to lay his complaints before his liege lord the Pope, with an anxious request that he would put the archbishop to silence, and at once excommunicate the rebellious barons. It does

not appear what notice was taken of this application; but in the autumn of the year Nicolas bishop of Tusculum was sent to England with the largest powers to settle all disputes, and to take measures for the payment of the indemnity, so as to enable the Pope to relieve the kingdom from the interdict, under which it laboured until the discharge of the sums demanded.

Mission of Nicolas of Tusculum.

The letter announcing the appointment of bishop Nicolas is worth notice. Innocent introduced his messenger by professing his conviction that the conversion and submission of the King could be imputed solely to the immediate suggestion of the Holy Ghost. "By virtue of this sacred impulsion you have," he said, "not only accepted the programme which we had drawn up with so much care and solicitude, but have also subjected yourself and your kingdoms to the sovereign dominion of the Holy See by the payment of tribute. Who but the Holy Spirit Himself could have inspired you with so holy and salutary a purpose? For observe, your kingdom is now no longer secular: it hath by this act of yours become both sacerdotal and royal; and in this new character *you will hold and enjoy it more absolutely and securely than heretofore.*" The bishop of Tusculum, he informed the King, was fully possessed of his (the Pope's) sentiments and intentions, and was furnished with the fullest powers of the Holy See "to root out and to pull down, to build and to plant." He therefore ordered and directed that the decisions which he should pronounce against all *rebels* be considered as law, and be inviolably observed. Pontifical briefs were, at the same time, addressed to the archbishop and bishops, the earls, barons, and the vassals of England, commanding them implicitly to obey and give effect to the mandates of the legate, and thus, in his person, to make manifest their devout fidelity to the Holy See, as well as to lay a solid foundation for the future exaltation and security of the kingdom.[m]

[m] *Epp. Inn. III.* lib. xvi. ep. 79, p. 787, dated Lateran, 8th July 1213; *Ibid.* ep. 80. p. 788, dated 5th July; ep. 81, p. 788, dated 6th July.

Design of the Pope as to the government of England.

No terms, short of a positive averment, could have more explicitly conveyed the opinion that, by the surrender of the crown, the government of the kingdom had passed into the hands of the Holy See, subject only to the permissive administration of the temporal sovereign, as long as he should demean himself as a submissive agent of the Pope. The first act of the legate was to obtain what might pass for a legislative recognition and sanction of the new state of things. A convocation of the bishops and clergy of the realm, with as many of the barons of the kingdom as could be brought together, was assembled in the church of St. Paul in London. "Here," says the historian,[n] "the king was required to reëxecute that disgraceful deed by which he surrendered the kingdoms of England and Ireland into the hands of the Pope." The charter executed at Dover was produced, and resealed with a golden instead of the waxen seal previously appended, in the presence and with the assent of the prelates and barons assembled. The document thus solemnly ratified was delivered to the legate as the muniment of the Holy See, for the absolute use and behoof of the Pope and his successors.

Confirmation of the charter of surrender.

Whether a properly legislative act?

If this act could be regarded as the act of the legislature of the kingdom, there would be no question as to the future relation of the king and government to the see of Rome. But before we pronounce definitively upon the character and effect of the whole transaction, we may inquire whether the assembly at St. Paul's in any respect represented the constituency of the kingdom as it then existed? We know that a majority of those who were entitled to be, or had been customarily, summoned to attend the great council of the realm, was absent from the meeting. Many of the principal barons could not venture into the presence of the incensed sovereign; others were in a

[n] *M. Paris*, p. 207. Exacta est et renovata illa *non formosa sed famosa* subjectio quâ in manum domini Papæ, diademate cum regno resignato, tam dominium Hiberniæ quam regnum subdedit Anglicanum.

state of contumacy amounting to rebellion; and there is good reason to believe that the abdication of the crown, and the subjugation of the kingdom to the papacy, was felt as a sore humiliation by all. Innocent himself could not have been ignorant of the sinister impression abroad, and with his usual tact kept the *ultima ratio* of the transaction out of sight. The legate, he declared, came as an "angel of peace," with no other powers than were necessary to restrain gainsayers and rebels. The apparently ready compliance of archbishop Langton was not of a nature to assure the Pope that he put a construction upon the deed of submission consistent with the subserviency expected at his hands—perhaps he might suspect the primate of already regretting the part he had hitherto played. There is no doubt that the menacing expressions in his letters against the "rebels" or gainsayers anticipated resistance, and were intended to intimidate opponents of every class. With such dispositions on the part of the constituency, we have great difficulty in pronouncing the meeting at St. Paul's to have constituted a proper representation of the estates of the kingdom, or presuming the surrender thus consummated to have been a proper act of the national legislature.

A convocation. Archb. Langton on the laws and liberties of England.

A second meeting, or convocation, assembled by the archbishop on the 25th of August in the same year tended to confirm the misgivings of the Pope. The meeting was attended by the bishops, abbots, priors, deans, and barons of the kingdom. The first act of the archbishop was to relax the interdict in favour of the citizens of London:[o] the next, to remind the meeting of the King's oath to abolish all unjust laws, and to reëstablish the good laws of Edward the Confessor. To that end he produced to them the charter of Henry I., which, though lost sight of, was still the law of the land, and might, he said, if they were so disposed, enable them to recover

[o] He gave permission to the parochial and conventual clergy of London to recite the "canonical hours aloud," in the presence of the citizens, in all the churches of the metropolis.

their long-lost liberties, and substitute the rule of the law for the arbitrary and extortionate practices of the crown.[p] From the date of John's surrender to the Pope, archbishop Langton had apprehended danger to the liberties of the nation in church and state.[q] That act had in fact proved a severe shock to the feelings of all classes but the ministers and minions of the King; and inasmuch as the charter of Henry I. provided a security for the rights of the church in strict conjunction with those of the nation, it might be made to form a bond of union between clergy and laity for their mutual protection against the encroachments of Rome on the one hand, and of the King on the other.[r] In that liberal spirit, of which the history of England at this period presents a striking example, Langton appealed to the law of the land in the reciprocal interests of church and people. In this spirit he had already imposed a check upon the mad desire of the King for revenge upon the northern barons; he had indulged the citizens of London with a partial restoration of the divine services; and now took the bold step of reminding the estates of the realm of their ancient laws and liberties, in contravention of the manifest intent of the Pope to indulge the King in the freest exercise of those anomalous powers which had drawn upon him the hatred and contempt of his subjects.

[p] The charter of Henry I. was little more than the reënactment of those of William the Conqueror and William Rufus, with a more precise definition of the feudal dues and duties. The king engaged to renounce the illegal exactions of his brother (Rufus), and to be satisfied with the customary services and renders in respect of lands and tenements held of the crown; and he reënacted, with a few exceptions, the "good laws" of Edward the Confessor. *Statutes at Large*, vol. i. Conf. the learned work of *Canciani*, "Barbarorum Leges Antiquæ," vol. iv. p. 362.

[q] We are told that he loudly protested against the haughty demeanour of Pandulph during the scenes enacted at Dover.

[r] The first article of the charter of Hen. I. runs thus: "Ego (Hen.) respectu Dei et amore quem ergo vos omnes habeo, *sanctam Dei ecclesiam*, imprimis, *liberam facio*, ita quod nec vendam, nec ad firmam ponam, nec mortuo archiepiscopo sive episcopo vel abbate aliquid accipiam de dominio ecclesiæ, vel hominibus ejus donec successor in eam ingrediatur; et omnes malas consuetudines quibus regnum Angliæ opprimebatur inde aufero, quas malas consuetudines ex parte appono." Then follows an enumeration of these "malæ consuetudines." *Canciani*, ubi sup. See also *Phillips*, Englische Reichs und Rechts Gesch. vol. i. p. 120.

Bishop Nicolas had arrived in England about Michaelmas of the year 1213, and at once took in hand the settlement of the indemnity. He convoked a general council at London, and—probably at his suggestion—the King tendered an aggregate sum of 100,000 marks of silver to the sufferers by the late persecution in satisfaction of all demands. But this sum was so inadequate to compensate the damages sustained that no agreement could be come to upon the proposed basis. The meeting, in fact, simply tended to confirm the impression that the interests of the vassal of Rome were now to take precedence of all antecedent promises and engagements. Another meeting was subsequently held at Wallingford in the presence of the legate. A crowd of claimants for compensation appeared with a schedule of their losses in their hands. The investigation of all these claims must have exhausted the time and patience of all parties; and the meeting separated without result. A third convocation at Reading dealt simply with the demands for compensation of the archbishop and prelates; and a sum of 15,000 marks, in addition to the 8000*l.* already paid by Pandulph, was granted to the primate and bishops of his party, in full satisfaction of their claims. The minor suitors fared no better at Reading than at Wallingford.[s]

Assemblies at Reading and Wallingford.

By this time it was very perceptible to all bystanders that the executive government in church and state had fallen into the hands of the Pope. But it was unfortunate for the scheme of Innocent that he acted in ignorance of the real dispositions of clergy and people. The facility with which he had triumphed over a weak and vicious king had blinded him to the danger that might result from a combination of popular and ecclesiastical dissatisfaction. Yet his next advance upon the liberties of the national church was of the kind best adapted to increase the existing irritation. Not long after his arrival in England bishop Nicolas received instructions

Papal dealings with the churches and benefices of England.

[s] *M. Paris*, pp. 206, 207.

from Rome to fill the bishopries and abbeys vacated during the earlier years of the reign. He was directed to proceed either by election or 'postulation,'[t] to put into the vacant prelacies and abbeys fit and proper persons, upon whose fidelity to the King, and capacity to give him sound advice and assistance, he could confidently rely: meanwhile the chapters and electoral bodies of the vacant churches were strictly commanded to acquiesce in any appointments he might make in the execution of his instructions. The legate lost no time in making the appointments; and in the operation thought it superfluous to consult either primate or prelate, or any one but the King. In the result it appeared that the vacant places were exclusively conferred upon the King's friends and servants, without regard for qualification of any kind, except that of blind devotion to the papal party. At the same time room was made for a good many more persons of the same sort by displacing or suspending, on various pretexts, many of the richer beneficed clergy. The holders were advised to appeal to Rome if they had any thing to complain of. Seeing, however, that nothing was to be done at Rome without money, and that they were now penniless, the legate felt that the game was in his hand, and proceeded to provide for the numerous hangers-on of his suite by distributing among them the vacant parochial churches in utter disregard of the rights of the patrons.

Protest of the archbishop and bishops.

For these purposes the proceeding by 'postulation' had turned out a convenient instrument. The greater number of the persons appointed were indeed disqualified both by canon-law and by their total unfitness for the priesthood; but these considerations were trifles compared with the advantage of securing a large body of dependants whose coöperation could be safely counted upon in the process of reducing

[t] The 'postulatio,' as opposed to the 'electio,' is generally defined to proceed upon the supposition of a unanimous petition of church and clergy on behalf of some one who, in the canonical course, was disqualified for the particular promotion, yet by special dispensation and for just cause might be admitted by the patron or superior. *Du Cange*, voc. 'Postulatio.'

the church to the same state of lifeless subjection as that to which the government of the country was already brought down. Langton and his friends, however, witnessed these impudent encroachments upon the privileges of the church of England with profound indignation. They stigmatised postulation as an intrusion upon the rights of canonical election; as an infraction of the immemorial customs of their order, and tending to the overthrow of the established system of church-government. The archbishop accordingly took the bold step of inhibiting the legate from consecrating the new bishops within his province of Canterbury, on the ground that the privilege was legally and canonically vested in the primate of all England. At the same time the prelates complained to the King in council of the profligate abuses of power perpetrated by the legate, and in support of their protest they put in a solemn appeal to the Pope against the lawless acts of his minister. Simon Langton, the brother of the archbishop, was deputed to be the bearer of the remonstrance; but on his arrival at Rome he found himself forestalled by the emissaries of the legate, supported by his friend Pandulph. The Pope was told that all these mighty grievances sprung from the greediness of the bishops in the matter of the indemnity; that it was obviously their intent to reduce the King to indigence, and avail themselves of his distresses to encroach upon the liberties of the crown and church of England; that the mind of John was brought to so exemplary a state of humble dependence, that it was the duty, as it was the interest, of the Pope to uphold him against his disaffected subjects both in church and state; and that if such murmurings as these were listened to, all the advantages to be derived from the devout dispositions of the King would be wholly lost to the Holy See.

Dismissal of the protest, and pontifical award of indemnity.

It would be unfair to charge pope Innocent with a direct participation in the abuses and peculations of his agents. In his position it was a political necessity to support his ministers; and it was not in his character to object to a

good deal of evil, if thereby a greater good might be brought out. The exaltation of the Holy See was his *summum bonum;* and with such an instrument as king John to work with, he found himself already in possession of an amount of power, of which he was not the man to relax his grasp, or even to scrutinize minutely the means by which it was achieved. Simon Langton and his memorial were dismissed; and the Pope hastened, by the removal of the interdict, to deprive the malcontent clergy of the last security for the satisfaction of their demands, and to make the liquidation of the indemnity as easy as possible to the King. Accordingly he made his final award in the matter; and decreed that the King should pay over to the archbishop of Canterbury and the bishops of Ely and London the sum of 40,000 marks in trust for the satisfaction of all demands, inclusive of the sums already awarded to the bishops as their share of the indemnity,[u] leaving 17,000 marks to be distributed among the exiles or others who had been damnified by the confiscations of the year 1207;[v] the whole to be liquidated by equal half-yearly payments of 12,000 marks.[w] We are informed that the award was adopted by the archbishops and bishops, and confirmed by the lords justices of the kingdom, in the absence of John in France; and that as soon as it had received the sanction of all parties, the interdict was reversed, after it had weighed upon the kingdom for a period of six years, three months, and fourteen days.[x]

Unjust distribution, and dissatisfaction.

The balance left for the compensation of the minor sufferers was lamentably insufficient to satisfy their most moderate demands. They who had remained at home during the persecution had been subject to hardships at least as severe as those endured by the exiles themselves. When,

[u] Namely, 8000 marks by the hand of Pandulph after the abdication at Dover, and 15,000 awarded to them by the convocation of Reading.

[v] The computation of M. Paris is unintelligible. He makes the amount of the residue to be only 13,000 marks. *M. Paris*, p. 209.

[w] The 8000 marks were probably the only cash payment made. There would therefore remain 32,000 to be paid; of which 15,000 would be due to the archbishop and bishops.

[x] *M. Paris*, p. 210.

therefore, this class of sufferers applied to the legate for their share in the indemnity fund, whatever it might amount to, they were told that no provision had been made for their case; that nothing could be done for them; but that they might, if they pleased, apply to the Pope for redress. This advice sounded in their ears as a bitter mockery, and they turned their backs upon the legate in a temper well suited to swell the mass of discontent that was at this moment fermenting among all classes of the King's subjects.

A few of the incidents mainly contributing to the outbreak of popular irritation which ended in the enactment of the *Great Charter* of liberties must be shortly adverted to.

Events preparatory of Magna Charta.

On the 15th of October 1213, John had set sail for Rochelle—the only port now open to him in his late dominions—with a view to the recovery of the province of Anjou and Maine, and probably with the ultimate intent to penetrate through the centre of France, and form a junction with the forces of his nephew Otto IV. of Germany, and by one great effort to crush their common enemy king Philip II. But the military incapacity of the king of England, and probably the indifferent zeal of the barons whom he had prevailed upon to accompany the expedition, rendered the first part of the plan eminently unsuccessful; and while Otto was collecting a vast army on the northern frontier of France, Philip Augustus had ample time not only to expel the English from the territories they had overrun in the first flush of the expedition, but to drive the King to take refuge within the walls of Rochelle. A considerable force of English and Flemish mercenaries, under the earl of Salisbury, was at this time stationed in Flanders, ready to form a junction with the levies of Otto and his allies in the Netherlands. This open connection of his vassal with the excommunicated emperor could not have been agreeable to the Pope; and the affectionate reception which the condemned heretic Raymond of Toulouse met with at the court of England could hardly fail to suggest a

doubt of the loyalty of the King. But these difficulties were speedily dissipated by an event which at once dissolved the obnoxious alliance, and threw the King back without friend or helper upon the protection of the Holy See against his foreign enemies and his own discontented subjects. On the 27th of July 1214, Philip Augustus encountered the allied hosts of Germany, England, and Flanders, at the bridge of Bouvines, not far from Lisle, and inflicted upon them a ruinous defeat;[y] the alliance was dissolved, and with it vanished the last prospect of recovering the lost inheritance of the house of Plantagenet in France. By this blow the resources and the character of king John were exhausted; and after concluding an ignominious peace with France, he returned to England to meet the storm of national indignation which had been darkening above him almost from the death of Richard of the Lion-heart.

Popular and ecclesiastical complaints—how answered by the Pope.

On his arrival in England, the recoil of the great defeat of Bouvines proved even more detrimental to his interests in that country than elsewhere. The public clamour against the maladministration of the legate Nicolas was overwhelming. The disaffected clergy and laity besieged the ears of the Pope with their complaints, and called upon him, as their feudal lord, to put an end to the extortions and robberies of the King and his ministers, and to restore to them their ancient privileges in church and state. Innocent indeed thought fit to recal his legate; but he harshly repelled the demand for the restoration of rights. The petitioners were laconically informed that the late rebellion of the King against the Church could have been the only justification of their action against the crown; that after his absolution all lawful cause of resistance on their part had ceased; that consequently they were now bound to abstain from every kind of combination or conspiracy which might be injurious or offensive to the King,[z] and to throw no further obstacles in the way of his administration.

[y] Comp. ch. vi. p. 515 of this Book.

[z] See the epistle of Inn. III. to Eustace de Vesci, the prolocutor of the barons, ap. *Rymer*, vol. i. p. 126, as

This reply to their humble address convinced all parties—laity and clergy alike—that the redress of their grievances was not to be expected from Rome. It was obvious that the government of the country was thenceforward to be carried on by and through the convicted enemy of their liberties; and that he was to be the single channel through which the orders of the Holy See were to flow. The barons, therefore, took no notice of the papal prohibition; and a general meeting was called at Bury St. Edmund's. Here they insisted upon the oath sworn by the King at his absolution; and after rehearsing minutely the illegal acts he had committed against their liberties and his own oath, they swore to one another on the high altar of the abbey church, that if the King should refuse to confirm the ancient laws, customs, and privileges of the kingdom, they would renounce their allegiance, and make war upon him until he should, under his own hand and seal, accede to their just demands. With a view to avert the dangers of this formidable insurrection, king John endeavoured to dissolve the combination by abandoning to the clergy the whole prerogative of the crown in the election and institution of bishops, abbots, and other superior ecclesiastical officers. The bishops and chapters, he knew, were even more anxious to emancipate themselves from the dictation of the king than from that of the distant Pope. Indeed, from the moment of his arrival in England Langton had objected to the elections taking place in the presence of the King, and contended for the absolute freedom of the electoral bodies from every external pressure, influence, or control. With intent to conciliate the confederate clergy, John executed a charter by which he engaged to grant *absolute freedom of election;* only reserving the right to the revenues of vacant sees and abbeys till the

Effect of the reply, and false promises of the King.

quoted by *Pauli*, Gesch. v. Engl. iii. p. 411: "Mandamus quatenus prætextu *confederationum aut conjurationum* illarum in solicitudine regia, nullius difficultatis opponas obstaculum; justiciarios et alios officiales regis ejusdem, nec per te ipsum impediens, nec patiens quantum in te fuerit per alios impediri."

appointment of a lawful successor.[a] Innocent thought fit to confirm the covenant of the King, and to annex to it the usual minatory clauses.[b] But Langton and his friends did not allow their zeal for the liberties of the national church to blind them to the worthlessness of any engagements of the King as soon as they should have answered the temporary purpose for which they were contracted. As long as they saw him busy hiring foreign mercenaries, strengthening and throwing garrisons into his castles and fortresses, and driving his subjects back to their allegiance by a compulsory renewal of their oaths of fidelity, they no longer gave credit to any thing he said or promised. Every act of his bore the stamp of trickery; perhaps none more than that of taking the cross at the hands of the bishop of London; a step by which he hoped to draw still closer his connexion with the Pope, and to invest himself with the sacred and inviolable character of a soldier of the cross.

Secessions from the King's party.

The barons had by this time abandoned all hope of obtaining by legal means the reëstablishment of those ancient laws which they professed to regard as their birthright. Abandoning all further attempts to negotiate either with King or Pope, they presented to the former, by the hands of the archbishop of Canterbury, a formal schedule of grievances, with a peremptory demand for redress; failing which they declared their resolution to resort to arms, and to prosecute the war till their requisitions should be complied with: the Pope, they said, had met their applications by prohibitions and menaces, instead of counsel;[c] he had evaded their demands by referring them back to the King: after this, there remained no alternative but to present their petition at the point of the sword. Robert Fitzwalter was

[a] *M. Paris*, pp. 220, 221. The document bore the date of the 15th of Jan. 1215.

[b] It is singular that this stipulation should not have entered into the original compact between king John and the Pope. The omission left standing in the church of England a practice against which the court of Rome, in its transactions with Germany, had, from the date of the Concordat of Worms (1122), most emphatically protested. Perhaps it was thought the King would be more manageable than the prelacy.

[c] *Rymer*, t. i. p. 127; through their representative Eustace de Vesci.

appointed marshal-general of the insurgent forces, and, after some indecisive encounters with the King's mercenaries, the city of London opened its gates to the "army of God and holy Church." By this stroke of fortune the King's party became paralysed. Though still numbering many of the boldest and most powerful barons of England, they came reluctantly to the conclusion that further resistance to the demands of so great and resolute a majority could end only in the ruin of the crown—probably in the deposition of the King himself.

Magna Charta—its character;

It cannot be denied that the memorable charter, upon which the liberties of the church and people of England are to this day in a great measure founded, was obtained by force and intimidation; and that it must rest upon its own merits, rather than upon legal enactment, for that validity with which, from all time, it has been invested. Without entering into the casuistical inquiry whether Magna Charta was binding upon the conscience of king John, it is certain that he put his hand to the document under duress. He had, no doubt, persuaded himself that, with the Pope at his elbow, he might at his convenience cast aside oath and signature with equal facility. With this intent he protracted the negotiations with the insurgents for some days, in order to gain time to communicate with Rome, and at the earliest moment to assure himself of the papal support. Already, more than a fortnight before the meeting at Runimede, he had informed Innocent of the insolent demands of his barons;[d] and barely three days after the execution of the great charter, the Pope had written to the clergy and barons of England bitterly rebuking them for their unspeakable audacity in demanding from their sovereign things "unholy and nefarious" —things they had not dared to exact while he was in rebellion against the Holy See; but now that he was reconciled to the Church, insolently demanded at the point of the sword. With this document in his hand, king

how treated by the Pope.

[d] This communication is only known to us from a bull inserted by Prynne in his History of king John. The bull is dated Ferentini, 18th June 1215.

John hastened to apprise the Pope of all that had taken place since his last communication; and to present a formal protest against the compulsory engagements he had contracted. He informed the Pope that as soon as the barons had fallen out with him, he had warned them that, as the sworn vassal of the Holy See, it was out of his power to take any step in furtherance of their demands without the knowledge and consent of his liege lord; and now that he had, under compulsion, signed the required document, he solemnly and unreservedly threw himself, his kingdom, and the prerogatives of his crown under the protection of the Holy See, to decide between him and his subjects as she should think best.

Cause of the anger of Innocent III.

The highly-coloured statements upon which the King founded his appeal, backed by the artful suggestions of his own emissaries, threw the Pope completely off his balance: "Is it thus," he exclaimed, "that the barons of England imagine they can dethrone a king who has taken the cross, and has placed himself under the special protection of the Apostolic See? By the holy Peter, we will not permit such an enormity to go unpunished!" A solemn congregation was summoned; the great charter was unanimously condemned and annulled, and a pontifical brief despatched reprobating every step by which it had been extorted, and setting the King free from every such engagement towards his rebellious subjects. The tone of the brief affords ample proof that the anger of Innocent was excited rather by the refusal of the barons to throw themselves upon his arbitrament for the redress of their grievances, than by any specific objections to the articles themselves. He was, on the contrary, inclined to approve the first of these, which secured the freedom of election, and, in a great measure, emancipated the Church from secular pressure.[e] But he regarded the renunciation of allegiance to his royal vassal as an insult

[e] The article runs thus: "Quod ecclesia Anglicana libera sit, et habeat jura sua integra, suas et libertates illæsas; et ita volumus observari, quod apparet ex eo quod *libertatem electionum*, quæ maxime et magis necessaria reputatur ecclesiæ Anglicanæ, mera et spontanea voluntate, ante dis-

to himself—an insult too, in the guilt of which barons and prelates had an equal share. And, in point of fact, Innocent III. treated the subject-kingdom of England precisely as he had treated every other dependency of the Petrine patrimony. He regarded kings, princes, barons, as his officers, and supported them with a vigorous hand, as long as they proved themselves his obedient servants. But now, to his infinite disgust, he found that the barons and prelates of England were labouring, *not for him*, but for themselves: he perceived that if the former were successful, the King would become a powerless instrument for keeping the kingdom in obedience to the Holy See: if the prelates, under the counsels of Langton, should prevail, he foresaw a combination of secular and ecclesiastical interests no less threatening to his own government than to that of the King. It was plain to him that the glory of his pontificate was at stake; and that success or failure turned upon maintaining the worst of kings in a position in which he could do most mischief to all but the Pope himself.

His hatred of independent action.

The instrument to which he trusted to crush the insurrection breathes the same frank insolence which runs through all the public acts of this pontiff. He recited ostentatiously all the merits of the King—his surrender of himself and his kingdom to the Holy See—his hearty repentance—his munificent compensation for the sins committed while in a state of reprobation—his assumption of the cross, and the magnificent preparations in which he was at that moment supposed to be engaged for his expedition to the Holy Land.[f] "Now, however," said Innocent, "the devil hath turned away the hearts of his barons from him;

Papal manifesto against the barons &c.

cordiam inter nos et barones nostros manifeste motam, concessimus, et chartâ nostrâ confirmavimus, et eam obtinuimus a dom. papa Innocentio confirmari: quam et nos observabimus, et ab heredibus nostris in perpetuum bonâ fide volumus observari." *M. Paris*, p. 215; *Rymer*, t. i. p. 131.

[f] No enterprise lay nearer to the heart of Innocent than the delivery of the holy sepulchre. It is, therefore, probable that John's agents at Rome had amused the Pope with false or exaggerated descriptions of the King's preparations for the holy war, though they knew that he could not spare a man or a penny for that purpose; and that the taking the cross was a simple trick to engage the sympathy of the Pope.

and they who had manfully stood by the Church while he was in contumacy, now that he is converted to the Church, have risen in rebellion against him." "In the course of these disputes the parties," he said, "had appealed to him: he had patiently heard both sides; and in the result had directed the archbishop and bishops of England to use their spiritual powers to maintain the public peace, more especially by the suppression of those dangerous combinations and conspirings which had come into fashion since the commencement of the differences between church and king: he had recommended humble petition rather than insolent demand for the redress of grievances: he had admonished the King to treat his subjects with kindness and gentleness, and to afford them lawful redress: yet the barons, without awaiting the result of these orders and monitions, had presumptuously cast aside their oaths of allegiance and levied war upon their sovereign: they had seized upon and plundered his lands, and even taken possession of London his capital: yet after all this, the King, under the instructions of the Holy See, had promised them an ample measure of justice; but they, in contempt of his crown, and of the commands of their lord the Pope, had proceeded to the extremities of violence and rebellion: the King had consequently summoned them before *the court of their liege lord, to whose decision*[g] *the cause properly belonged;* but they had spurned the citation; they had refused every proposal of an equitable arbitration for the redress of proved grievances, and the abolition of all abuses which had crept in since the commencement of the reign:[h] the King was therefore compelled to declare that the kingdom belonged to the Holy See, and that it was out of his power to make any changes which might be prejudicial to the interests of his superior the Pope: and upon this issue he had again appealed to Rome, and put himself and his kingdom under the immediate guardianship of the Apostolic See: the arch-

Contumacy of the barons.

Justification of the King.

[g] "Ratione dominii."

[h] A limitation which fell far short of the intent of the insurgents.

bishops and bishops had, in consequence, been instructed to give him the full benefit of the ordinances touching those who had taken upon them the sacred badge of the cross, and to extend to him all the privileges and immunities granted to princes and persons pledged to the holy war: but neither archbishop nor bishops could be prevailed upon to obey the pontifical mandate in any of these things; and in this emergency the King, finding himself destitute of aid or counsel, did not dare to refuse what they had nefariously dared to demand: thus under the compulsion of force and fear he had entered into a compact with the rebels not only vile and base in itself, but against all law and equity, and in derogation of his royal prerogative and his personal honour." This veracious document concludes thus: "Now we, remembering that God hath, by the mouth of His prophet, 'set us up over the nations and kingdoms, to root out and to pull down, and to build and to plant,' and being minded to visit these audacious and malignant contempts of the Holy See and the royal rights—contempts redounding to the opprobrium of the people of England, and involving imminent peril to the prosecution of the holy war—do hereby, in the name of the Holy Trinity, and by the authority of the Apostles Peter and Paul and our own, altogether condemn and reprobate the said compact or charter; and do prohibit the King, under pain of anathema, to observe and keep the same; and the barons of England and their accomplices to insist upon, or stand by it; and we do hereby render null and void the said charter, together with all obligations and securities entered into in pursuance or execution thereof, so that it be void and of none effect for all time to come."[i]

Condemnation of Magna Charta.

If it had not been manifest from the first outbreak of the contest, that no reliance could be placed upon the good faith of the King, there might have been some ground for the imputations cast by the Pope upon the barons and prelates

Effect of the manifesto upon the barons &c. of England.

[i] The bull is dated from Agnani, ix. kal. Sept. (24th of August) 1215. *M. Paris*, pp. 223, 224; *Rymer*, Fœd. tom. i. p. 135.

of England. But Innocent III. was not in the habit of looking very severely into the moral conduct of his agents, so long as they could be usefully employed in his service. He accordingly took no heed of the treachery inherent in the mind and practice of king John, and treated him as the unsinning minister of a righteous dispensation. The barons, on the other hand, were all along persuaded that the King's fears and their own good swords were the only securities for the performance of promises or engagements of any kind. After the execution of the great charter, it was preëminently necessary to keep their eyes open, and their weapons ready for service. The papal brief annulling that instrument, and discharging the King from all obligation under it, instead of intimidating, served but to sharpen their vigilance, to whet their indignation, and to render the breach between them and the King irreconcilable. They were well informed of all his movements. They knew that he was busy collecting mercenaries from all quarters, and preparing to avail himself of the first convenient opportunity to recommence hostilities. Every thought of treaty or compromise was abandoned; and the barons resolved upon the dethronement of John, and the substitution of the Dauphin Louis of France upon the throne of England. Innocent III., however, stood by his vassal with all the artillery of the Church. As soon as intelligence reached him of the revival of the rebellion and the seizure of the castle of Rochester by the barons, he instructed the bishop of Winchester, the abbot of Reading, and Master Pandulph, now bishop of Norwich, to pronounce a general sentence of excommunication against the rebellious vassals of "a prince pledged and sanctified for the deliverance of the holy sepulchre:" this duty they were ordered to perform with all the ceremonies of the greater excommunication,[j] and to publish the anathema in all the churches of the land on Sundays and feastdays throughout the year; "and," he added,

Renewal of the civil war, and excommunication of the barons.

[j] That is, by the ringing of bells, of torches.
by deed in writing, and the extinction

"wo be to bishop, abbot, or priest, who should refuse or neglect to execute that precept!"

Fierce denunciation of the archbishop and bishops of England.

The resentment of the Pope against archbishop Langton and the prelates of England had by this time kindled into fury: "In defiance," he said, "of the express command of the Holy See, and their oaths of fealty to the King, they had on all occasions held aloof from him: they had afforded him neither aid nor counsel: this they had done with full knowledge of the plots and conspiracies on foot against him; thereby manifestly proving themselves accomplices of the rebels, and enemies of the King. Is it thus," he asks, "that the bishops of England defend the *patrimony of the Holy Roman Church?* Is it thus they advocate the cause of the holy sepulchre? Nay, are they not in all these things striving to defeat the Saviour's cause? Verily, they are worse than Saracens—worse than those open enemies of the cross! Therefore, lest such contempt should work further injury to the realm and church of England, and all other churches and kingdoms; and lest the sacred cause of the crusade should thereby suffer irretrievable damage; he, by authority of the Apostles and of the Holy See, denounced sentence of excommunication against all disturbers of king and kingdom, their aiders and abettors; and placed their lands under interdict; commanding the bishops to publish and the barons to obey the mandate, and to give aid and counsel to the King against the rebels, for the forgiveness of their past sins;—or, to abide the pains of the anathema, interdict, and deposition, in person, property, lands, and honours."[k]

Archbishop Langton suspended.

Upon the return of Simon Langton from his abortive mission to Rome in the cause of the barons of England, the chapter of the metropolitan see of York had elected him to the vacant archbishopric. John sent a vehement protest against the election to the court of Rome. A rescript was immediately despatched to the chapter, cancelling the

[k] The document is set out at length by *M. Paris*, p. 227.

election, and ordering that body to depute a competent number of their members to form a chapter to the great council then assembled at the Lateran; there, *in the presence of the Pope and by his advice*, to choose a fit and proper person to represent their church; any hesitation or delay to be visited by the forfeiture of their right to elect: inasmuch as in that case it would be the duty of the Pope to take the *provision* into his own hands. A more serious offence was taken at the refusal of archbishop Langton to publish the sentence of excommunication against the baronage of England, on the plea that such an order must proceed directly from the Pope, through the ordinary ecclesiastical authorities; and that it was not within the vicarious powers of the legates, either to publish or to execute it. For this act of contumacy the legates suspended him from all ecclesiastical function; and in this predicament Langton, in contempt of their express prohibition, embarked for the Continent, to attend the great council then assembled at Rome.

The Pope nominates the archbishop of York.

The irritation of the Pope against his former friend and client was enhanced by his contumacious defence of the privileges of his see, and was now fanned into a blaze by the emissaries of the King. In this temper of the Pope, Langton thought it unwise to enter upon his justification. He therefore confined himself to a simple demand to be restored to his functions, and for admission to his proper seat among the assembled fathers. Innocent harshly repelled both demands, and confirmed the sentence of suspension. The election of Simon Langton to the see of York was finally quashed, and the attendant canons commanded to elect Walter de Grey, bishop of Norwich, as their metropolitan, *on the nomination of the Pope*.[1] Notwithstanding the resistance of the primate, the nominations to both the metropolitan sees

[1] *M. Paris* (p. 230) adds, that securities for the enormous sum of 10,000*l.* were exacted from the new archbishop for his promotion; and moreover that, at the dissolution of the council, the Pope extorted from all the attendant prelates exorbitant fines for leave to depart; which sums they were obliged to raise at the extortionate interest charged by the Pope's usurers.

of England thus secured were valuable as precedents. On both occasions the rights of the chapters had been set aside upon the emptiest of pretexts. The presence of delegates from the electoral bodies was simply colorable; and the direct nomination of the Pope was accepted without resistance to the principle, and with no other than the natural reluctance to see their constitutional franchise sequestered to the profit of a stranger. In this instance the advantage gained by king John was present and substantial. He had reduced his most formidable opponent to inaction: he had introduced his creature the bishop of Norwich into the heart of the enemy's country,[m] in a position of influence and command: he had called down the ban of the Church upon the insurgent barons; and obtained an order to the bishop of Winchester, the abbot of Reading, and Master Pandulph, the legates resident at his court, to publish the papal censures against all the delinquents by name; with a special curse upon the reprobate citzens of London, and their chief magistrate Gervais de Hobrigge.

Advantage of king John at Rome.

The military gains of the King at this point of time were not unimportant. The castle of Rochester, seized by the citizens of London at the outset of the civil war, had been retaken; the lands and castles of the insurgents in many parts of the kingdom had fallen into his hands, and had been subjected to all the barbarities habitual to the man and the age. The Londoners meanwhile treated the interdict as a nullity. They published to the world that the decree was obtained by the fraud and falsehood of the King; and superciliously remarked, that they could not see what business the Pope had to meddle with mundane affairs: that to the best of their information the apostle Peter had confined himself to spirituals; but that the Pope had demeaned himself rather as the disciple of Constantine than the follower of Peter; a character in which he could lay no claim to the power

The citizens of London reject the interdict.

[m] Throughout the civil war the northern counties of England had been the nurseries of the insurrection.

and authority of the apostle. "It was," they said, "a scandal and a shame that those plunderers from Rome —men who knew nothing of the noble and generous deeds of arms—those beggarly usurers and Simonians—should be permitted to set the whole world by the ears, for the gratification of their own avarice and ambition."[n] The labours of the legates to carry the interdict into execution were thrown away upon the citizens, and all others beyond the reach of the King's arm; and the divine services were performed throughout the city with the same order and regularity as if neither Pope nor legate had ever been heard of. Yet, upon the whole, the result of the King's operations at home and abroad had been successful. The confederates had lost ground. From their asylum within the walls of London they had been compelled to witness the devastation of their estates; the reckless sacrifice of their property; the ruin and dispersion of their tenancy. Men smarting under chronic calamity are seldom inclined to look back to see how far they may not have themselves to thank for the misfortunes they deplore. The barons of England felt bitterly, and clamoured loudly against the degradation of the crown and of their own honour under a foreign yoke. From the condition of the free subjects of a native prince, they were now no better than the vassals of a vassal. Rome was now the real seat of government; and they soon found themselves exposed, without defence, to the ordinary practice of Roman rule. The marrow of the land was to be sucked out to feed the rapacity of the extortioners and plunderers to whom sacerdotal government holds out such unusual facilities.[o] These complaints would have come with a better grace, had they been accompanied by a confession of the original error of invoking the aid of foreign powers in support of their liberties, rather than trust to the vigour of their arms and the unanimity of their counsels. The hope of aid from France alone kept the insurrection alive; and

The barons at disadvantage.

[n] *M. Paris*, p. 233.

[o] The "Barathrum Romanum." *Ibid.* p. 234.

prince Louis sustained their flagging courage by repeated assurances of speedy succour.

But at the moment the preparations of the prince were completed, a legate, Walo or Gualo by name, appeared at the court of France with a peremptory order from Rome to desist from any design against the patrimony of the Holy See, and her cherished vassal king John of England. The order was addressed both to father and son; and both were threatened with the extreme penalties of the Church, if the latter should persist in the adventure, and the former neglect to impede it by every means in his power. The French monarch coolly replied, that John was no longer king of England: the murder of his nephew Arthur of itself sufficed to deprive him of all claim to the crown; and of this atrocity he had been convicted by the court of his peers: but whether he had thus forfeited the throne or not, no king could transfer his crown to a stranger without the consent of his estates lawfully assembled: the cession of John was therefore void, both from the infirmity of his own title, and for want of legislative consent: as to the allegation, that to attack England was to attack the sacred patrimony of the Church, Philip protested that, for the reasons stated, the kingdom never had belonged nor ever could belong to the patrimony of St. Peter: besides this John had been deposed by his own subjects for divers murders, robberies, and other crimes; among all which, the act of surrendering his crown to a foreigner, and subjecting the kingdom to tribute, was of itself a forfeiture, after which John was *de jure* no longer king; and the election of another king fell of right into the hands of the estates of the kingdom: they had accordingly chosen the prince Louis to be their king, in right of his wife the princess Constance, daughter of the queen of Castille, then the only surviving branch of the royal family of England.

Prince Louis of France prepares to invade England. He is forbidden by the Pope.

"But," the legate replied, "John is at all events entitled to the four-years' truce proclaimed by the late council of the Lateran in favour of all who had de-

Reply of Rome to the remonstrances of the king and prince of France.

voted themselves to the service of the cross; consequently till the expiration of that period Louis could not lawfully make war upon him; and that if the prince raised an arm against him, he would *ipso facto* incur the penalty of excommunication and interdict; and the King himself the like, for consenting to the unholy enterprise." On the part of the prince it was answered, that the ordinance did not apply to his case; for that John, long before he took the cross, had waged war upon his barons, ravaged their lands, slain their tenants, and committed other acts of violence; and had continued the same course afterwards; no *expost facto* law or ordinance could therefore lawfully deprive them of their only remedy against their tyrant. Prince Louis, therefore, declared his resolution to stand upon his title to the crown of England, and defied his father or the Pope to prevent him. Philip himself apprised the legate that he had neither the right nor the power to obstruct the enterprise: the legate demanded a safe-conduct for England: Philip replied that he might go where he liked within the realm of France; but cautioned him against venturing across the Channel; the formidable monk Eustace, he said, and the maritime friends of his son, were scouring the seas; and that if they should fall in with him, he might chance on some serious mishap.

Altercation.

The flat denial by France of the Pope's supremacy over England must, one would have thought, have excluded every hope of a successful justification. Still prince Louis thought proper to offer an explanation to the Pope of his expedition; but in the mean time he embarked his army, and landed in the Isle of Thanet on the 21st of May 1216. At Rome his apology was repelled with indignation. The articles of charge against John, on this occasion, were almost identical with those preferred at the previous conference: the late king of England was a murderer and a traitor: he had been duly summoned, tried, and convicted by his peers of those and other crimes: he had thereby become an outlaw, and forfeited

Prince Louis's explanation to the Pope.

kingdom, estate, and life: if it were otherwise, no powerful malefactor could be brought to justice; and the lives, the property and honours of princes and subject would be at his mercy.

Except when they served some special purpose, general principles of law or equity were rarely taken into account by the Court of Rome. Pope Innocent replied upon different grounds. "Neither in the *civil nor the canon law*," he said, "was any power given to try and condemn an *anointed king*, inasmuch as, by reason of the transcendent dignity imparted by the royal unction, *he was raised above the law:* neither could an anointed king be treated as a vassal by any foreign power; the minor dignity merging in the greater: but even upon the erroneous supposition that he might be lawfully tried and condemned in his absence, the utmost penalty that the court of his peers could inflict, was the forfeiture of the fiefs in respect of which the jurisdiction arose; and in that case, after sentence and execution, he would cease to be responsible to the superior or his peers: but as against king John there were incurable defects in the proceedings; he was never legally summoned; for that the dukes of Normandy were not bound to appear and answer to their suzerain or any other court, but only on the marches of their respective territories: there were only two crimes for which sovereign princes might be brought to justice; these were *treason* and *heresy;* of the first John could not be guilty; and of the other he was not accused: again, upon the extreme supposition that the sentence was operative against the King in person, it could not affect the inheritance, or defeat the title of his son against pretensions of so flimsy a nature as those of Louis:[p] yet, in fact, none of these questions were

Reply of Innocent III.

Papal allegations.

[p] Louis claimed through his wife, the daughter of Blanche queen of Castille and younger daughter of Henry II. Between her and the crown stood the descendants of an elder sister, represented by the emperor Otto IV., and a sister of prince Arthur. Blanche of Castille, however, had survived her sister, and was the oldest daughter of Henry II. living at the date of the alleged forfeiture of John. Louis appears to have contended that she was the true representative of the family, and that by her renunciation the title of his wife took effect.

relevant to the case; for, said the Pope, *the kingdom of England is mine—mine by homage and fealty, and tribute paid: no man can be justified in waging war against a kingdom belonging to the Holy See.*"

Counter-pleas of Louis.

In vain the envoys rejoined that the war against John was of older date than the act of surrender; that the right of the king of France to avenge the injuries sustained could not abate by the cession; and that even as suzerain the Pope could stand in no better position than his vassal as to the right of the king of France to take his remedy into his own hands. The pontiff dismissed this plea with the observation that, at all events, Louis had not been the party injured; and having no just cause of quarrel, could have no right to resort to arms for redress; more especially as no such right could be admitted unless the prince should have previously asked the permission of the Pope, as lord-paramount of England, to exercise it. And, in fact, the claim of Louis to his remedy by force of arms was indefensible even on feudal grounds; but his party could not be made to comprehend that a papal fief enjoyed any privilege above that of a prince or a baron; or that the permission of the superior was requisite to justify a private or public feud against a tenant of the Church any more than against the vassal of a king.[q] The privilege of the four-years' truce claimed for the king of England was, they urged, untenable, on the ground that John had not taken the cross till long after the commencement of hostilities between him and the prince. The pontiff, however, slipped aside from this point, and simply replied that the barons of England were at this moment labouring under excommunication, and that all who aid or abet them in their contumacy must suffer the like penalty: besides all this, it was now too late to deny the title of

[q] If the envoys had looked a little deeper into the past history of the papacy, they would have understood the drift of pope Innocent. The clause in the text was only another form of the ancient claim of immunity, on behalf of the estate of the Church, from the incidents of secular warfare; an immunity which could only be taken away by the express permission or dispensed with in the service of the Holy See; as, for instance, for the reduction of a rebellious vassal of the Church to obedience, or the suppression of heresy.

king John, inasmuch as after, as well as before, his pretended condemnation by the French court, the King and the prince had repeatedly addressed and dealt with him as king of England.

Though the act of treating with a *de facto* king or government does not necessarily imply a recognition of his title, yet it might not have been an easy matter to encounter the general impression such a course of dealing is always likely to produce. Until that impression was got rid of, the alleged abdication of John by the surrender of his crown to a stranger, though available in the mouths of his subjects, could not strengthen the pretensions of prince Louis to the vacant throne. His deduction of title through his wife could not, even in that age of unsettled law and fluctuating custom, have very materially assisted his cause. His best ground of claim was the invitation of the English barons, and his own costly efforts to rescue them and the country from an intolerable tyranny,—a tyranny supported by Rome in all its most odious features, for her own glory and profit. It is remarkable that every argument put forward by Innocent or his agents, necessarily tended to raise the sovereign—as the servant of the Holy See—above all secular law: the royal unction associated him to the Church, with the sole view of removing every obstruction to his freedom of action in the character of the executive minister of the Pope: the law of the land was set aside with intent to substitute Rome-made law in its place: the despotic principles of the civil and canon law were for the future to determine the relations between the vassal sovereign and his subjects;—and this with the manifest purpose of converting both into the obedient instruments of pontifical despotism. In the last resort, the incidents of excommunication were made to sweep away all rights, whether of governors or governed, that might impede the working of the pontifical machinery. It dissolved all law, annulled all privilege, abrogated all rights, rescinded all obligations; and reduced society to a chaos, until it should please the

Respective character and merits of the arguments on both sides.

high-priest of Rome to reinstate order upon the terms most conducive to his own glory and the pecuniary profit of the chief and his agents.

Excommunication of Louis and the barons.

Prince Louis of France may claim the merit of a frank denial of the papal pretension to set up in the world a different law from that which had hitherto governed the transactions of sovereigns and peoples. He stood upon his own right, such as it was: he repudiated the dependence of England upon the Holy See: he repelled the immunity claimed for that country, and denied that it ever had been, or ever could be, reduced to the state of part and parcel of the patrimony of St. Peter. These flagrant issues of law, together with the treasonable acts of landing an army in England, and associating his cause with that of the excommunicated enemies of the King, roused the indignation of the pontiff. The ban of the Church was pronounced against Louis and his adherents, with all imaginable solemnity. Innocent himself preached the condemned sermon, and took for his text, "Sword, sword, come forth, and be thou furbished for the slaughter."[r] On the 21st of July 1216, the sentence arrived in England. It comprehended prince Louis, the barons, the citizens of London, the chief magistrate Gervais de Hobrigge, the chancellor Simon Langton, and all their adherents. Pope Innocent knew no distinction of persons; Philip Augustus of France was a principal offender; but for once the cunning of the French king was more than a match for the onslaught of the pontiff. Philip eluded the blow intended for him by a colorable sequestration of his son's property and possessions in France; ostensibly in punishment for the transgressions of the prince; in fact, to withdraw both himself and the apanage of his son from the effects of the threatened interdict. The archbishop of Sens, to whom the publication of the edict of excommunication was delegated by the

The king of France evades the interdict.

[r] A parody of the words of *Ezekiel*, ch. xxi. ver. 9, 10: in our version, "A sword, a sword is sharpened, and also furbished: it is sharpened to make a sore slaughter; it is furbished that it may glitter."

Pope, refused to circulate the document; and, after his example, the prelates of France declined to be made the instruments of the hasty proceedings of Innocent. The Pope had obviously overshot his mark. The English prelacy were not more tractable than those of France. The majority held openly with the barons, or kept aloof from both parties. Langton meanwhile was not wholly inactive at Rome. Notwithstanding his contumacy, he still enjoyed a certain credit in the curia, and, it may be presumed, an influence over the mind of the friend of his youth, which could hardly be without its effect upon the affairs of his church and country. At all events he played his part so well, that he obtained relief from his suspension upon the single condition not to return to England till the restoration of peace between the King and his barons.

Langton at Rome.

With the exception of the city of London, and parts of the adjoining counties, and the distant barons of the North, the kingdom lay at the feet of John. The legate Walo directed or controlled every measure of the government. The laity were spared, cajoled, flattered; the churches were the sufferers. Walo treated the kingdom as the money-box of Rome, and commenced that system of plunder which became the subject of unavailing complaint to future ages. He disposed of the churches and their revenues at pleasure. Oppressive *provisions* and money contributions weakened and impoverished cathedrals, abbeys, and religious houses. The lands and endowments of all the clergy—whether parochial or conventual—who had assisted or sympathised with the insurgents, were sequestrated, and either retained for himself or conferred upon his Italian clerks and dependents.[3] But the death of pope Innocent III., on the 17th of July 1216, inspired a hope of peace to the harassed land. The barons were sanguine in the expectation that the change of Pope would be attended with change of measures. But they were doomed to disappointment. Cardinal Cenci Savelli was

Robberies of the legate in England.

Effect of the death of Innocent III.

[3] *M. Paris*, p. 242.

elected Pope by the name of Honorius III., and orders were despatched to England granting confirmation of the full powers conferred by pope Innocent upon the legate Walo, with injunctions to leave no stone unturned to suppress the rebellion against this cherished vassal of the Holy See. By this time, however, the fortunes of king John were once more on the decline. In the spirit of his predecessors, the new Pope, apprehending the effects of the depression which adversity was wont to produce on the wayward mind of the King, hastened to despatch letters of assurance and comfort, "lest his spirit should be confounded, and his courage should fail him."[t] But the elation which the death of Innocent III. produced in the hostile camp was irretrievably damaging to the King's prospects; and it may be surmised that if death had not removed him from the scene of his mischievous action, the crown of England would have passed away from him and his descendants. Within a few months blow had followed upon blow, misfortune upon misfortune, till, overwhelmed by mortifications and the desertion of his most powerful supporters, he contracted fever in a rash attempt to cross the waters of the Wash from Norfolk into Lincolnshire. The loss of all his treasures and equipage in the passage aggravated the disorder of mind and body; and he expired at Newark on the 19th of October 1216, consequently only two days over three months from the decease of his great patron Innocent III.

Misfortunes and death of king John.

By the death of king John the court of Rome lost a subject familiarised and broken-in to the pontifical discipline. His vices and weaknesses were the capital upon which Innocent III. had all along traded. The vile passions of the King; his infirmity of purpose; his sudden transitions from a state of frantic violence to slavish fear, prepared him admirably to become the non-resisting instrument of the schemes of

Policy of Innocent III. in England; its success.

[t] See transcript of the autograph of Honorius III. in the Brit. Museum, as quoted by *Pauli*, Gesch. von Engl. vol. iii. p. 468; *Rayn.* an. 1216, § 20, p. 394.

his great patron. When the Pope had once convinced himself that little more was wanting than a thorough fright to drive him into every baseness of compliance to escape the consequences of his own follies and vices, the prospect of reducing the kingdom to the state of a political and ecclesiastical dependency of Rome lay clearly before him. The humiliation of the English episcopacy was the first object of pope Innocent; the next, the acquisition of the funds necessary to gratify the cravings of the instruments of his ambitious policy. The plunderings of his legates Nicolas and Walo were the first-fruits of his success. England bled freely to the keen edge of the pontifical lancet: the tribute was punctually paid: Peter's pence flowed abundantly into the pontifical coffers: vacant sees, abbeys, and parochial cures rewarded the devotion and industry of hosts of partizans and dependents, foreign and domestic. New names for new encroachments crept into use: a beginning was made of that long list of extortions from church and state which trammelled the prosperity of both down to the period of the Reformation.[u] The court of Rome never abated a jot of its claim to the kingdom of England as a vassal province, in the same sense as the Italian dependencies of the Petrine patrimony; and the church and commonalty of the land were gradually accustomed to see its revenues absorbed, and its patronage transferred to a swarm of greedy foreigners, to the serious exhaustion of its resources, and the humiliation of church and people.[v]

Accession of Henry III., and retirement of Louis of France.

At the death of his father prince Henry was barely ten years of age. He was, however, proclaimed King by the court party, and was crowned and anointed in the presence and with the consent of the papal legate. The boy-king was of course made to swear fealty

[u] Such were, *Aids* for carrying on the wars of the papacy, *Tenths*, *Annates*, *First-fruits*, *Provisors*, *Reservations*, *Survivorships*, &c. See the writer's treatise on the *Position and Prospects of the Protestant Churches*, &c. pp. 55 et sqq.

[v] The parliamentary remedies applied at a subsequent period (statutes of 'Provisors' and 'Præmunire') became in fact little more than the means of a corrupt compromise between the crown

and to do homage to the Pope for the kingdom of England, and to pay up the arrears of the tribute of 1000 marks. The party of prince Louis of France was injuriously affected by the late Pope's replies to his apologies; but much more so by his own haughty bearing and manifest favouritism. The barons of his party soon became weary of his support; they suspected him of an intention to convert England into a dependency of France; and his adherents fell away from him in such numbers that he was in the end glad to conclude a truce with the young King, which enabled him to withdraw his forces from the country without molestation.

and the papacy to share the profits of the Roman extortioners. In a future volume the author hopes, D.V., to lay before the reader a short summary of the efforts of church and people to cast off this degrading bondage. For the present it is sufficient to indicate the source of an evil for which it required centuries to find the remedy.

CHAPTER IX.

LAST ACTS OF INNOCENT III.—GREAT COUNCIL OF THE LATERAN.

General policy of pope Innocent III.—State of Europe prior to the convocation of the council of the Lateran—Italy—Treaties and promises; their value—Germany—France—England—Spain—Convocation of the general council of the Lateran—Objects of the council—Leading motives for the convocation, &c.—Letters of convocation—Opening of the great council of the Lateran, Nov. 1215—The 'concio ad clerum'—Pontifical idea of the functions of councils—Canonization of the *doctrine of transubstantiation*—Antecedent adoption of the doctrine—Motive for the canonization of the doctrine of transubstantiation—Edict of inquisition of heresy—Character of the edict—Provisions for the execution of the edict—Establishment of the Inquisition—Rearrangement of ecclesiastical dignities, &c.—Patriarchal precedence granted to Constantinople—Modes of election to vacant sees and abbeys prescribed—Extension of lay influence in elections—Reservation of the papal revision and confirmation—Prohibition of pluralities—Prohibition of nepotism; diversion of ecclesiastical funds, &c.—Jealousy of the laity—Ordinance respecting tithes—Reformation of the monasteries—Trial of clerical offenders—lay discipline; treatment of sick persons—Relaxation of canonical restrictions upon marriage—General observations upon the ordinances of 1215—Services of Innocent III. to his church—Proclamation of privilege to the crusaders—A legate à latere to direct the movements of the army—Political decrees of the council—Hegemony of the armies of the cross—Adjudication of the county of Toulouse, &c. to Simon de Montfort—Affairs of England; how treated by the Pope in council—The Pope nominates the archbishop of York—The Pope against Langton—Frederic II. assumes the cross; consequences—Pontifical charges against Frederic II.—Establishment of the order of friar-preachers or Dominicans—Dominic of Calaruega—Institution of the Franciscan order—Last labours and death of Innocent III.—Innocent III. judged by his contemporaries—General observations on the pontificate of Innocent III.—Object of the preceding volumes.

General policy of pope Innocent III.

WITHIN the last few years of the reign of the great pontiff to whose history this Book has been devoted, the fabric of the papacy exhibited an appearance of extent and stability approaching universal monarchy. In the course of many bygone generations the principle that the earthly powers are subordinate to the spiritual in all that concerns religion, its chief, and its ministers, had been so generally and incessantly presented to the minds of men, as to

have, in a degree, paralysed the natural sense of independence in nations and rulers. To thwart or offend the priest in trivial matters savoured of sin; to disobey him in essentials—or what he might deem such—was heresy, with no alternative but submission or death. This state of the public mind had encouraged enormous encroachments upon secular government. Frequent inroads upon the civil state, the customs of the people, the course of justice, even the police of the community—such as it was—had thus been tacitly submitted to; and enrolled by Rome as pregnant precedents, and acknowledgments of a true monarchical superintendence, extending to all political measures which might directly or indirectly affect the interests of the great sacerdotal body or its imperial chief. Pope Innocent, and probably a majority of the Latin clergy, had adopted this view of the pontifical power; and the absence of any general, official, or legislative contradiction from the temporal state, was believed to entitle them to regard it as an established principle of government. After settling the principle, there remained therefore the task of extinguishing the desultory resistance arising from the irregular opposition of princes and peoples. This task pope Innocent hoped to accomplish by making them parties—passive or active—to such a code of laws and regulations as should imprison them within the strict limits of the principle, and bind them in the bonds of legalised subjection to the spiritual state. With this intent, among other collateral objects, he issued letters of convocation to a general council to meet at Rome within the space of two years and a half from the date of the precept.[a]

State of Europe prior to the convocation of the council of the Lateran.

Before we advert more particularly to this important council, it will be useful to cast a rapid glance at the state of the European commonwealths in respect of their connexion with Rome at the point of time immediately preceding the convocation of the council.

[a] The letters bear date the 19th of April 1213. *Epp. Inn. III.* epp. 30 to 34, pp. 756 to 760.

At the period when the emperor Otto IV. incurred the papal excommunication, that prince was regarded as the patron and representative of the Guelfic interests in Italy. Hitherto the cities and states of Lombardy had in a great measure identified themselves with the papacy. But the dread of the restoration of a descendant of their hereditary adversary to power for the moment neutralised the papal influence, and they zealously, though unsuccessfully, opposed the adventurous passage of Frederic II. through the north of Italy into Germany. This state of things subsisted for a period of between three and four years. But the result of the battle of Bouvines, in the year 1214, had deprived the fallen Emperor of the last hope of revisiting Italy, or of affording a scintilla of support to the Guelfic interests in the kingdom. At the same time the final adoption of the young king of Sicily as king of the Germans and emperor-elect tended to weaken the constitutional opposition to the German connection, and to bring the commonwealths of the North once more into harmony with the present policy of the court of Rome. It must have been obvious to all parties that the Pope did not intend the restoration of the Hohenstauffen family to operate to the detriment of the Guelfic party. Indeed, it was of no small moment, upon occasion of the inevitable but dangerous presence of the armies of the empire in Italy, to possess an ally in their rear when they approached nearer to the capital than was either safe or agreeable to the court of Rome. The powerful, industrious, and wealthy municipalities of Lombardy afforded a useful check upon the ambitious advances of the Germans. In central Italy the cities of the Tuscan league regarded the Pope as their moderator and protector; and in that character formed, as it were, a second line of defence upon the direct road to Rome, flanking the western frontier of the newly-acquired states of the church in Romagna and the march of Ancona, and threatening the line of hostile advance through those territories. With these alliances, and the present possession of the greater part of central Italy, from the

Italy.

Apulian frontier to the river Po, the best security which circumstances afforded was obtained against the dangers of the German connection. The safety of the states of the church was further provided for by the prospective separation of the crown of the empire from that of Sicily and its appurtenances. By depriving the emperors of all pretence to meddle in the south, the Pope would not only gain a safe frontier in that vulnerable quarter, but would secure a governing power always theoretically, and, in the hands of this aspiring pontiff, likely soon to become practically, paramount to that of a vassal king reigning in his name.

Treaties and promises; their value.

Pope Innocent III. had thus in a great degree succeeded in concentrating the rays of power and influence in Italy in the Holy See; and if he could have relied upon the strength of treaties and promises, the principal obstacles to the fusion of all the political elements into one great hierarchical monarchy might seem to have been removed. But these treaties and promises were either wrung from the necessities of opponents, or won from the transient gratitude of favoured clients. Otto IV. might have intended—Frederic II. might, at the moment of his joyful success, intend—to fulfil his engagements with Rome; still, every step in the advances of Innocent towards the goal of his policy was a stab to the interests, the self-respect, or the vanity alike of friends and foes. Treaties founded upon such a basis are practically binding on princes and nations no longer than the stringent motives which dictated them remain in operation, or are supported by physical force. Individual ambition or popular passion either eludes them or sets them at defiance on the first favourable opportunity. Innocent III. made no allowance for this speciality in the character of nations and their rulers. The representative of the divine government was not to be checked by human weaknesses and passions, or be bound to take them into account, except so far as they might be serviceable to clear the path for the success of the theocratic principle upon which he had taken his stand. To this cause we attribute some of the most serious

disappointments he had experienced in his otherwise triumphant career. His treaties with foreign powers were unsupported by any solid external force; and without such a force religious impressions are no match for the ever-varying interests or the headlong passions of nations and governments.

Germany.

In Germany pope Innocent had obtained an ostensible renunciation of all aggressive measures. By the several treaties to which allusion has been made,[b] the Emperor-elect had virtually shut himself out from Italy, the single case of his coronation expedition excepted.[c] Still, he bore the title of king of Italy, and might lay indisputable claim to the iron crown of Lombardy whenever a favourable opportunity to assume it should occur. The title had become by long usage annexed to the imperial dignity; nor had any pontiff ever affected to deny the right of the Roman emperor to be king of Italy. It is true that the right had practically dwindled to a mere name; but as long as it remained an article of public law, the constitutional claim of the German sovereign to the government, in any form sanctioned by usage, or admitted by the Italians themselves, could not be denied. Although, after the cession of central Italy and Sicily to the see of Rome, this shadowy sovereignty was all that remained to the empire in the land of its birth, yet it constituted the weak point in the political position of the papacy. The theoretical prerogative of the imperial crown was still reserved; the peninsula was still *de jure* open to the armies of Germany; and it might remain a matter of doubt whether the imprescriptible rights of the empire were extinguished by the late arrangements with the Holy See,[d] even over the ceded territories.

[b] Ch. vi. p. 510 et sqq. of this Book.

[c] It is singular that we find no stipulation as to the number and quality of his attendants upon this occasion, in any of these treaties.

[d] The dominium supremum over these provinces was never verbally renounced. The fodrum, or reserve of the duty of maintaining the imperial army on occasion of a coronation, was an incident of the sovereignty, and might serve to weaken the inference of that absolute renunciation assumed by the papacy as an accomplished fact. The right reserved to a foreign power under any circumstances to enter a neighbouring state with an armed force, there to be maintained at the expense of the people, is inconsistent with the idea of perfect independence.

France.

Throughout his reign, king Philip Augustus of France had been reduced, by the management of Rome, to an inert and obstructive policy, to counterwork the growing influence of the Holy See among the loose constituency of his kingdom. The success of Innocent III. in the divorce cause had greatly impaired the authority of the crown and the national church. The crusade against the Albigenses had withdrawn many of the great vassals from the service of the state; it had diverted the attention of the nation from the sovereign, and concentrated its hopes and its fears in the Holy See. While Simon de Montfort was carrying on the war of extermination in the South, the hegemony of the military powers of France had fallen substantially into the hands of the Pope. The vassals of the crown preferred the service of Rome, with the unspeakable advantages, spiritual and temporal, she offered, to that of the monarch. Philip Augustus was compelled to permit every opportunity of taking vengeance on his enemies of England and Germany to slip past him, as long as the fanatical impulse fostered by Rome convulsed the nation and paralysed the power of the crown. And when at length the conflagration in the South subsided for want of fuel, the Pope contrived to appropriate to himself the entire fruits of the labours of the King and the expenditure of the national resources. The kingdom of England, instead of a province of France, became an appendage to the patrimony of Peter; and even the battle of Bouvines had done little more for France than to restore in some measure the balance which had been disturbed by the inaction to which the King had been reduced by the policy of Rome.

England.

The state of England has been so recently adverted to, that it is needless to say more upon it than that, after the expulsion of the French prince, all open resistance to the demands of the court of Rome upon the government and the resources of the nation had ceased. The boy-king Henry III. was advised to acknowledge the vassalage of his kingdom to the Holy

See, and to pay the tribute. Peter's pence, annates, first-fruits, were punctually remitted; and an ominous beginning was made with the system of procurations, reservations, postulations, provisors, and legatine extortions, which for many ages following exhausted the kingdom of its moneyed wealth,[e] and brought in a locust-swarm of papal agents and procurators, with every kind of corrupt practice that might swell the gains of the foreign recipients, and put money into the pockets of the collectors themselves.

Spain.

Of the state of the kingdoms of Spain in their connection with the papacy, it is unnecessary to say more than that they had surrendered themselves as the spiritual vassals of Rome. The Pope had been in many instances permitted to interfere with a high hand in their family and political interests. Tributes had been paid, marriages dissolved, alliances dictated or denounced, civil engagements and contracts annulled, at the command of Rome.[f] Like the nations of the Latin communion in general, they had accepted the axiom, that the enemies of the Pope were the enemies of God, and that their own eternal interests depended upon a total disregard of divine and human laws when they stood in the way of the extermination of the enemies of Rome. Under the auspices of Innocent III. immitigable war against all such powers or persons had taken the character of a religious duty; and this persuasion was answered by an outburst of popular fanaticism which engaged the worst passions of the human heart in the service of the man who took upon himself the character of representative of the divine attributes and majesty, for purposes in direct contradiction to His written and unwritten Will.

Convocation of the general council of the Lateran.

On the 19th of April of the year 1213, letters of convocation to a general council of the Church had been issued. In these letters two subjects of consideration only were proposed; namely, the *reformation of the Church*, and the *promo-*

[e] See ch. viii. p. 599 et sqq. and 623 of this Book.

[f] See ch. iv. p. 419 et sqq. of this Book.

tion of the crusade for the liberation of the Holy Land. But an attentive consideration of the series of canons and ordinances promulgated at this council discloses a more important object than either. The suppression of heresy might be included in the general term "reformation;" but these purposes were to be made subservient to a larger scheme of ecclesiastical government than had entered into the contemplation of the predecessors of Innocent III. It was the obvious intent of the legislator to impart a perfect unity of action to the whole ecclesiastical machine, and to concentrate all its movements in his own hands. Instead, therefore, of the two named, we discern four general objects, viz. the reformation of those abuses which had drawn down so much heretical obloquy on the Church; the suppression of heresy; the liberation of the Holy Land; and the registration of a general code of regulations embracing these objects, which should condense and reduce into legislative form all preceding ordinances on the same subjects, with such improvements as the existing state of the Church should call for. The executive principle of these ordinances was, that in all cases the ultimate—and in many points the proximate—jurisdiction and control was reserved to the Holy See; and in such wise that no action should be taken for the execution of any of its provisions except under the powers granted and by the direct precept of the court of Rome.

Objects of the council.

Innocent III. worshipped the Church as a divine individuality. The Church was his god, and he was god in the Church: in him was centred the unity of the faith; and in that capacity it behoved him to demand the unanimous recognition of Catholic Christendom. This was the leading motive for the convocation of the great council of the Lateran. As a corollary to the general principle, it may be observed that he regarded himself as the divinely-appointed judge of religious orthodoxy; and that every departure from the faith approved by the Holy See was heresy, to be rooted out and destroyed by all those

Leading motives for the convocation, &c.

means for which precedent, example, or precept might be drawn from Holy Writ. The principle of the crusade was found equally applicable to all whom it might please him to point out as the "enemies of God," as it was to the infidels against whom the action was originally directed. Besides, therefore, the great amount of political influence derived from the government and direction of so universal a movement, we have already seen[g] with what facility it could be diverted to the profit of that formal unity required to strengthen the substructure of the pontifical power. But it was clear to the mind of Innocent that the perils of dissent must be dissipated before the armies of the faith could be directed with effect against the foreign enemy. The exterminating ordinances, accordingly, applied to both enemies alike, with no difference but a priority of execution against the former.

Letters of convocation.

A delay of two years and six months was thought necessary to teach the clergy and laity of the Latin world their lesson. Perhaps little less time was required to collect evidence, and to digest and reduce into systematic form the multitude of ordinances, bulls, and briefs of the reigning pontiff; and to bring them into harmony with the regulations of his predecessors, more especially with those of the great council of the Lateran held in the pontificate of Alexander III.[h] The letters of convocation recited that the council was indispensably required for the "extirpation of vices, the planting of virtues, the correction of abuses, the reformation of morals, the *elimination of heresies*, the confirmation of the faith, the establishment of *peace*, and for the stirring up of all Christian princes and people—clergy as well as laity—to the succour and defence of the Holy Land." The Pope professes to entertain no doubt that the suggestion was a direct inspiration of the Holy Spirit; and he fixes the meeting for the 1st day of November in the year 1215, in the great church of the Lateran at Rome. In the

[g] See ch. viii. p. 533 et sqq. of this Book.

[h] Conf. book xii. c. vi. p. 186.

interim the clergy are exhorted to prepare themselves for the great work by a stricter habit of life; and to come to the council as men intent upon the service of God, rather than in the spirit of vain ostentation and display: the metropolitans are directed to summon all capitular and monastic bodies to send their deans, or other fit persons, to represent them; and to use the intervening period for the purpose of collecting all necessary information as to such matters as might require amendment; so as to enable them to report the same to the council; more especially such as might relate to the succour of the Holy Land: lastly, the severest punishments are denounced against all persons who should neglect the summons, or offer frivolous or evasive excuses, such, for instance, as domestic difficulties, civil disturbances, the dangers of the road, and the like.[1]

Opening of the great council of the Lateran, Nov. 1215.

This summons was obeyed by the prelates and princes of the Latin world with greater punctuality, and in greater numbers, than that of any of his predecessors on like occasions. The first session was held on the 11th November 1215 in the great basilica of Constantine—then known as the church of St. Saviour of the Lateran—in the presence of 483 patriarchs, primates, and bishops; besides upwards of 800 abbots and priors. To these must be added the delegates of prelates incapacitated by age or infirmity; the ambassadors of the kings of Sicily (the emperor-elect, Frederic II.), France, England, Hungary, Aragon, Cyprus, Jerusalem, and the Latin emperor of Constantinople; in numbers falling not far short of 1400 persons. The Latin patriarchs of Constantinople and Antioch were present; the patriarch of Alexandria appeared by proxy, in consequence of the infidel occupation of his city.

The pontiff opened the session with a 'concio ad

[1] *Epp. Inn. III.* lib. xvi. epp. 30-34, pp. 756-760. The history of the council is collected from the following writers: 1. *Matt. Paris*, an. 1215, p. 228; 2. *Chron. Fossæ Novæ*, apud *Murat.* Ss. Rr. Ital. tom. vii. p. 893; 3. *Rich. de S. Germ.* id. ibid. p. 989; 4. *Vaissette* Hist. de Lang.; 5. *Concil.* Hard. tom. viii. p. 1 et sqq.; 6. *Raynald.* an. 1215.

clerum' from the Evangelist Luke, in which he personated the Saviour.[j] He insisted strongly upon a thorough reformation of life and conversation in the church; so that the priesthood, having rooted out all manner of uncleanness from their own practice, might thereby give the lie to those slanders which had proved so destructive to their influence over their flocks, and so detrimental to the interests of the church-catholic. "For," he said, "the sin of the priest causeth the people to sin: the son doeth as he sees his father do; the disciple, as his master: thus is fulfilled the word of the prophet, 'And there shall be like people and like priest; and I will punish them for their ways, and reward them for their doings;'[k] the heretic and the adversary shall exult in their downfall; faith shall perish from the earth; religion shall be thrown out of shape; liberty shall be confounded; justice trodden under foot; heresy shall raise its head; schism shall abound; and the children of Hagar shall prevail over the children of the promise."[l]

The 'concio ad clerum.'

It has been the subject of some controversy whether the code of laws promulgated by this council emanated from the body as a legislative assembly, or whether it was simply presented to them by the Pope for registration and publication.[m] We think that neither of these views is strictly true. The careful codification of the various ordinances of the Church—past, present, and prospective—for the reform of morals, the suppression of heresy, and the prosecution of the holy war, bears the stamp of a single mind, if not of a single hand. It should, at the same time, be remembered that the Roman pontiffs never affected to regard councils—general, provincial, or national—as legislative bodies; nor even assigned to

Pontifical idea of the functions of councils.

[j] "I have desired to eat this passover with you before I suffer." *Luke* xxii. 15.

[k] *Hosea* iv. 9.

[l] *Rayn.* an. 1215, § iv. p. 374.

[m] "The editor of the works of Innocent III.," says Raynaldus (ubi sup. § vii.), "affirms that the decrees were not drawn up by the synod, but afterwards, by the Pope himself, written and published; but this," he says, "is a mistake of the editor, as has been proved by Bellarmine," who shows that the decrees of the council were not only framed but published by that body.

them any more exalted function than that of advisers or informants of the Holy See; and ultimately of registrars and publishers of its decrees. The duties of the members of the council of 1215, assigned to them by Innocent III., were confined to the collection of information for the guidance of the Pope. No symptom of self-action is allowed to appear in any of these preliminary instructions. The work itself, when completed, exhibited a simple collection of the preceding ordinances of Innocent himself and those of his predecessors, digested into the form of a regular code. It may indeed be imagined that the short period of eighteen days, allowed for the discussion of so many and so important topics, could afford scanty opportunity to the members for entering upon the merits of each of the seventy decrees or canons handed down to us as the result of their labours.[n] On the other hand, it would be unreasonable to maintain that the information and advice of the Pope's faithful friends and agents should have had no influence in the framing or modification of the decrees. Such a participation, though not amounting to a legislative action, might redeem the character of the meeting from the imputation of a servile ministration resembling that from which the parliaments of France during the seventeenth and eighteenth centuries vainly struggled to emancipate themselves.[o] It is, however, clear to us that, whatever liberty of discussion may have been allowed as to details, the *principles* involved in the ordinances were not submitted to examination; and that the draft, as framed and settled by the Pope, was accepted with such alterations only as might be suggested by facts and information more recently supplied.

The *first* resolution or canon records the final adop-

[n] We are not told how many sessions were held; but if we suppose the council to have sat every day of the eighteen, we can hardly arrive at any other conclusion than that the whole code was presented by the Pope in the shape of a bill or project of law; and that it was adopted much in its original shape, or possibly with such alterations and amendments only as might meet the views of the pontiff, or improve the operative effect of the decrees.

[o] During the reigns of Louis XIII., XIV. and XV.

tion by the body of the Latin church of the capital dogma of *transubstantiation*. The canon declares there is One only and Universal Church, out of which there is no salvation: of this Church Jesus Christ is the supreme Head, and at once the chief priest and the sacrifice: His body and blood are veritably and in substance contained in the sacrament of the altar; the bread being, by the divine power, *transubstantiated* into the body, and the wine into the blood of Christ; which sacrifice can be performed solely by the ordained priest, in virtue of the authority thereunto granted to him by Jesus Christ through His apostles and their successors.[p] It may be here observed, that since the subsidence of the Berengarian controversy[q] at the close of the eleventh century, the doctrine of transubstantiation had remained in abeyance. Pope Gregory VII. had declined to register the Paschasian theory among the articles of faith of the Roman church. But it is not the less true that the Berengarians had been put to silence; that the Latin priesthood had generally adopted the doctrine, and that they embraced it as a talisman of sovereign power to sustain them upon that pinnacle of unapproachable dignity to which the Isidorian forgeries had raised them. The doctrine, thus generally received, in fact affirmed that by virtue of the divine authority vested in the priesthood, they could, by the imposition of hands, at pleasure, and in a thousand places at the same time, reproduce the body and blood of the Lord, as He lived and died upon earth, together with His whole soul and divinity; thereby repeating upon a thousand altars at once the great sacrifice of the cross; and communicating simultaneously its inappreciable virtues to a thousand recipients as the pledge of everlasting life to the orthodox, or the doom of eternal death to the unbelieving or sceptical communicant.[r]

Canonization of the doctrine of *transubstantiation*.

[p] Some other clauses are added, principally relating to the efficacy of baptism, and the merits of virginity and continence, the saving virtues of ecclesiastical communion and of good works.

[q] Conf. book ix. c. v. pp. 120-137.

[r] The canon, however, does not seem to go the length of affirming the elimination of the substance of bread and

Antecedent adoption of the doctrine.

It may be observed, that the generation of men to whom this extraordinary doctrine was now for the first time presented in an official form, had been nursed up in an implicit belief in marvels of all kinds. That belief had grown up with the growth of the sacerdotal influence; and the minds both of its patrons and their hearers had been gradually prepared to follow out the rudimental conception to its most extravagant consequences; till that very extravagance irrevocably pledged the clergy to its maintenance, and supplied an additional ground for belief in a people overdosed by their pastors with the spiritual stimulants most congenial to the vulgar taste. This marvellous incarnation of sacerdotal self-sufficiency and spiritual pride had come into the world as part and parcel of one of the grossest deceptions ever practised upon the ignorant credulity of mankind.[8] The very magnitude of the imposition was in part a cause of its success. It subdued the spirit of a generation destitute of mental self-action, and ignorant of any ground of belief but the authority of its teachers.

Motive for the canonization of the doctrine of transubstantiation.

As long as this state of religious opinion could be counted upon, it was perhaps of minor importance to register the doctrine itself as an article of catholic faith. But it happened that since the beginning of the twelfth century whispers of contradiction had been heard in a corner of Christendom too close to the fountain-head of sacerdotal authority not to be listened to with dismay and indignation. In process of time the voice of opposition became louder and louder, till it ended in a very general protest against a religious scheme resting upon a servile submission to doctrines equally repulsive to common sense and subversive of liberty of conscience. It was from the outset the

wine in the elements after consecration. The defect was supplied by the council of Trent. See *Le Plat*, Decret. et Cann. Conc. Trident. c. viii., cann. i. et ii. p. 119.—"Si quis dixerit in ss. eucharistiæ sacramento *remanere* substantiam panis et vini una cum corpore et sanguine D.N.J.C. &c. anathema sit."

[8] Conf. book vi. c. v. p. 141, and c. vii. pp. 192-194.

professed intent of the heretical sects to call the authors and patrons of that scheme to account before the world, and to cast down the Roman priesthood from the proud eminence on which they had surreptitiously and fraudulently placed themselves. With this view they maintained that the eucharist, when administered by the hand of a pious layman, was, as a means of grace, as effectual as when administered by an ordained priest: that, on the contrary, if received from the hand of a profligate minister—priest or no-priest—the ordinance would be unavailing. Most of these sects further denied the corporeal presence of Christ in the eucharist; and it may be doubted whether in this opinion they were not supported by a minority within the church itself. It was therefore essential to deprive them of this support; to place the sacerdotal authority upon a single basis; and to extinguish that liberty of religious inquiry, or speculation, which, if suffered to gain ground, must in the end prove fatal to the despotic dogmatism of Rome.

Edict of inquisition of heresy.

This, therefore, was the moment chosen by Innocent III. to put an end to all doubt as to what was the established doctrine of the Church as to the capital dogma of the eucharistic sacrifice, and the exclusiveness of sacerdotal ministration. The *first* canon accordingly declares the doctrine with neatness and precision; the *third* canon annexes the anathema to every shade of opinion adverse to the antecedent confession of faith.[t] That confession was framed so as to meet the heretical doctrines imputed to the various sects, and to furnish the inquisitors with a text-book of examination into heretical pravity, and a test to try the merits of suspected or reconciled seceders. It directs that, after trial and conviction, the culprits are to be forthwith delivered over to the secular power for punishment; if clerks, to be first degraded from their orders; if laymen, to forfeit all their worldly

[t] All these heresies are described as "having, indeed, different faces, but all linked together by their tails." By which was meant that the different forms or shades of opinion in no respect concealed the common intent.

substance: suspected persons, unless they shall duly purge themselves, shall be smitten with the anathema; they shall be cast out of human society; and if for the term of one year they shall continue under excommunication, they shall without more ado be condemned as heretics: the secular powers are commanded, under pain of the severest ecclesiastical censures, to make oath that they will *bonâ fide* strive by every means at their command to exterminate from their territories all who shall be denounced to them by the Church as heretics: if within a twelvemonth any prince, potentate, or baron shall have wilfully harboured any heretic, or suspected heretic, within his domain, he shall, without respect of rank or condition, be bound in the chain of excommunication; and if within that period he refuse or neglect to give satisfaction, his contumacy is to be signified to the supreme pontiff, that he may discharge his vassals and dependents from their oaths of allegiance, and from all other obligations; and deliver over his lands and goods to catholic occupiers, to be by them possessed by an indefeasible title; saving only—in case of a vassal—the rights of the superior lord, provided he (the superior) shall not oppose or impede the execution of the ecclesiastical sentence.

Character of the edict.

We observe that this ordinance is confessedly and solely framed for the *destruction* of heresy and heretics: it contains a very complete code of persecution: justice has no place in its principle; there is no thought of mercy in the execution: the guilt of the accused is taken for granted: the proof of innocence is placed almost beyond the reach of the culprit; and if adduced and allowed, can have no other effect than to surrender him a helpless slave into the hands of his tormentors: the vilest passions of man's nature are enlisted in the cause of God and His Church: delation is encouraged by the promised spoil of all whom the informer shall succeed in involving in his snares. This mode of dealing may be described as the secret process of inquisition: the open and public process was simple murder. All believers were bound over in the penalty

of eternal perdition to go forth to slay those whom the emissaries of Rome should denounce: the more deeply these "soldiers of the cross" should dip their hands in the blood of her enemies, the greater the reward in this world—the more exalted the bliss to be enjoyed in the next: the accused heretic, *ipso facto*, forfeits all rights of citizenship—all the sympathies of humanity: a twelvemonth of wretched existence under the curse, with a still more calamitous lot in prospect, is the only boon vouchsafed to him: an undefined and arbitrary "satisfaction" leaves him as much at the mercy of his persecutors after as before his conversion:[u] all who, in the interim, shall receive, harbour, defend, or shelter him under their roof, shall suffer the like penalty with himself: they shall be outlaws from human society—shall be infamous—incapable of holding any civil office or of exercising any elective right—debarred from giving evidence in courts of law, conducting any suit, making any will of property, or succeeding to any kind of estate, real or personal: if the heretic or his constructive accomplice be a judge, his decisions shall be void; if an advocate, he is to be denied audience on his own behalf or that of any suitor; if a notary, the instruments prepared by him to be absolutely null. The same penalties attach to all who shall hold any intercourse, or manifest any sympathy with the proscribed: while alive they are to be deprived of every religious privilege; when dead, to be buried in a ditch like carrion. No real distinction is made between the denounced heretic and him who should simply withhold his hand from shedding his blood. No measure of punishment is given but the will of the slayer—no scale of satisfaction but the jealous suspicions of the inquisitor himself.

Provisions for the execution of the edict.

The provisions for the execution of this unrighteous ordinance are drawn up with the same solicitude as that displayed in the defining and punishing clauses. All unlicensed preaching or instruction, public or private, is strictly prohibited

[u] Witness the treatment of Raymond of Toulouse, the counts of Foix, Comminges, and Bearne. Conf. c. viii. pp. 553, 555, of this Book.

under the same penalties as those assigned to the previously enumerated delinquencies. The prelates are commanded to make circuits twice, and, if needful, thrice a year, throughout their provinces and dioceses, wherever any heresy is suspected to exist; there to engage three or four persons of good report, or, if requisite, the whole body of residents, upon oath, to discover and make known to them all reputed heretics, or any person frequenting clandestine conventicles; avoiding intercourse, religious or social, with the faithful; or exhibiting suspicious differences of life and conversation from those of the community among whom they dwell: persons refusing the oath, or neglecting to perform it, fall under the same condemnation as their destined victims. And if any bishop upon whom this office is devolved shall neglect to fulfil it, or permit any human feelings to interfere with its efficient performance, he is to be visited with canonical "vengeance," and to be replaced by one who shall give heart and hand to the rooting out of all heretical pravity.

Establishment of the Inquisition.

As it regards seceders from the church of Rome, it is obvious that this ordinance was designed to transfer the police of Christendom to the Roman pontiff and his agents. It has been observed,[v] that it seems to encroach materially upon the rights of the secular powers. But it is answered that the assent of those powers must be presumed from the silent acquiescence of their ambassadors in the council. Strictly speaking no such inference could be drawn, except from the special instructions of the sovereigns to their envoys; of which instructions, however, we have no intimation. It would be difficult to determine how those powers could be made parties to ordinances in the framing and passing of which they had no voice. But it was the habit of the court of Rome, when it suited its object, to presume the same despotic authority in secular potentates, to alter laws, to surrender rights and privileges, and even to alienate national territory, as that which the pontiffs themselves claimed to

[v] *Fleury*, Hist. Eccl. tom. xvi. p. 388.

exercise by divine right. The ambassadors attended, not to vote, but simply to receive the instructions of Pope and council, and to communicate them to their courts, with a view to their more effectual publication and execution. The ordinance itself certainly possessed nothing of a legislative character, nor was it binding upon princes and peoples, excepting as far as their co-operation could be secured by stimulating their cupidity, or practising upon their religious prepossessions. The result, however, was, at the time, pretty much the same as if the represented powers had effectively concurred in a legislative act of the council. At all events the court of Rome was supplied with that kind of precedent to which she well knew how to impart the colour of law; and thus a quasi-legal character was, from this epoch, imparted to the tribunal of the Inquisition, which, though obscured, is not abandoned or renounced even in our own day.

Re-arrangement of ecclesiastical dignities, &c.

It was a great object with the Pope to rectify the imperfections of the ecclesiastical organization, in order to adapt it more completely to his scheme of government. He was sensible that the corruptions and abuses which had hitherto prevailed in so many quarters had affected the character, and with it the power, of the establishment for the comprehensive objects to which he purposed to apply it. The only foundation for uniformity of operation could, he thought, be found in uniformity of faith. The first step, therefore, was to tie down all consciences to a single exclusive creed. Through that creed he proposed to govern the Church and the world. The first decree or canon of the great council of the Lateran would, he believed, prove wide enough to enclose within its meshes every form of dissent. The next step was to qualify the agents and ministers of the creed to become its vigilant and inexorable guardians and champions; so that the whole body of the Church might be fulfilled with *one spirit*, and be moved by *one will*.[w] There must be *one*

[w] The 3d canon anathematizes every shade of religious opinion adverse to, or not strictly reconcilable with, the creed of canon i.

body with *one* head; and to each limb its appropriate station and action must be assigned. To that end a rearrangement of ecclesiastical dignity and precedence appeared requisite. For ages past the East had fallen out of relation to the Latin patriarchate. The Greeks had rejected every connection with the Church which maintained the heretical "Filioque;" and upon this ground they had taken their stand, inflamed by all the venom of religious hatred. But now the pivot of the movement had fallen into the hands of the Latins. Constantinople was theirs; the three great patriarchates—Alexandria, Antioch, Jerusalem—fell into the background; and that church, which in papal contemplation had hitherto held the last place—or, more properly speaking, no place at all—among the great apostolic foundations, was suddenly lifted into precedence above them all.[x] The patriarchates 'in partibus infidelium' had in fact little claim to the consideration of Rome beyond the prestige of antiquity; Constantinople was now the seat of pontifical government in the East, and in her new position was entitled to such confirmation and extension as might best enable her to exercise her vicarious powers for the benefit of Rome.

Patriarchal precedence granted to Constantinople.

And it cannot be too carefully borne in mind that, in Roman contemplation, all ecclesiastical power was simply derivative. The canon therefore provided that the four subordinate patriarchs should first sue out the pallium "which is both the symbol and the title of the patriarchal character"—from the Holy See; and that as soon as they should have complied with that condition, and recorded their oaths of *fidelity and obedience* to the Pope, they should then—and not till then—enter on the full exercise of the patriarchal functions, and have power to

[x] *Fleury* (Hist. Eccl. t. xvi. p. 391) says "that the 5th canon of this council was heedlessly copied from the council of the Trullus; without reflecting that that council had been from the first rejected by the Holy See." This statement, however, is not strictly true. Pope Sergius, to whom the 102 canons of the Quinisext or Trullan council were presented, declined indeed to sign them; but several of the canons were afterwards adopted by the Latin church. Conf. book v. c. ii. p. 457 of this work. See also *Art de vér.* &c. p. 157.

grant the like symbol to the metropolitans of their jurisdictions: such grants, however, to take effect only after report, and a personal oath of supremacy to the Roman pontiff on the part of the granters themselves. To this provision a direct appeal to the Holy See from the judgments of all orders of prelates—patriarch included—was annexed.

Modes of election to vacant sees and abbeys prescribed.

The uniformity of organization and *modus operandi* of all episcopal and collegiate churches was equally requisite to facilitate the universal superintendence of Rome. The various modes of election to vacant sees and abbeys, customary in different countries, were to be reduced to the simplest forms in any way reconcilable with ancient usage. These forms were found to consist principally of three: *first*, to choose a committee of three trusty persons, by and out of the body of electors, to take the votes of the members of the chapters severally and individually; and after reducing the lists to writing, forthwith to publish them, and proclaim the election of the candidate who should have obtained the suffrages of the "greater and sounder" number of the electors: *secondly*, by the vote of the whole body, to elect a committee of fit and proper persons, to whom the duty to appoint to the vacant church, on behalf of all, should be intrusted: a *third* mode of election seems rather to have been suggested than prescribed; if, it is said, any particular person should by an instantaneous and unanimous resolution of the electors—as it were by divine inspiration—be raised to the vacant chair, the call shall be effectual.[y] This last mode of election was, in substance, little more than a provision for election by acclamation, arising either from momentary impulse, or from an antecedent conviction of the fitness of the person for the office.

Exclusion of lay influence in elections.

But a more important consideration was the exclusion of lay interference or influence in appointments to vacant churches. For this purpose pope Innocent hit upon a remarkable expedient. Instead of censuring or punish-

[y] Perhaps from analogy to the election of Ambrose to the see of Milan.

ing the laity for such interferences, he made the electors themselves responsible, in the severest penalties, for entertaining or listening to any external suggestions in the performance of their duty. The canon framed for this purpose accordingly enacts,[z] that if any elector shall by word or deed give his consent to, or tolerate any influence or interference on the part of any lay person, the election itself shall be void; the person so elected shall from that time forward be ineligible for that or any other preferment in the Church; and, the electors consenting, shall be suspended from all functions, and deprived of all stipend or emolument from church or benefice for a term of three years; and, in the mean time, be incapable of voting in any election. Clandestine elections are strictly prohibited; and it is enacted that all elections shall be published as soon as made.[a] But in every such proceeding the ultimate revision of Rome is carefully reserved. It is therefore enacted,[b] that after strict inquiry into the moral and religious qualifications of the bishop or abbot elect, a formal report shall be drawn up for the information of the Holy See; and be presented to the Pope personally, or through fit and proper delegates, for his approval.

Reservation of the papal revision and confirmation.

The abuse of *pluralities* had proved as seriously detrimental to the character of the clergy, as to their efficiency as executive officers of the Holy See. The attention of pope Alexander III. had been drawn to this subject, and some steps—though of a not very effective kind—had been taken by the Lateran council of 1179 for the remedy of the abuse.[c] The regulations then published had, however, proved almost wholly inoperative; and Innocent resorted to a better defined and more positive scheme of prevention. He declared that if a clerk holding living with cure of souls accept a second benefice of the same kind,

Prohibition of pluralities.

[z] Canon xxv.

[a] Can. xxiv. Probably meant to meet the case of Reginald of Canterbury, whose clandestine election was the cause of much confusion and difficulty. Conf. c. viii. p. 569 of this Book.

[b] Can. xxvi.

[c] *Hard.* Concil. tom. vi. pars ii. p. 1814.

he shall be deprived of the first; and if he contrive or endeavour to retain both, he shall forfeit both, and the patron shall enter upon his full right of reappointment.[d]

In the next following canons[e] several minor abuses are struck at. Nepotism, or the practice of corruptly promoting relatives to ecclesiastical offices, is severely reprobated. The pernicious usage of diverting the revenues of parochial livings to the use of the greater churches or monasteries, so as to leave insufficient stipends to the working clergy, is condemned and abolished; and an effort is made to put an end to the extortionate demands of the legates and nuncii of the Holy See upon their visitations, known by the name of "procurations;" but in terms so loose as to leave the matter pretty much at the discretion of the pontifical visitors. Some wholesome regulations were made touching appeals from the inferior to the superior ecclesiastical courts; and against the vexatious removal of causes from the natural judge to a distant tribunal, by means of papal indults surreptitiously obtained.[f] But, with every desire to improve the working capacities of the ecclesiastical machine, we observe in all these ordinances a profound jealousy of lay interference, or encroachment upon the extreme claims of church and churchmen. Thus the xliv[th] canon, after reciting that in many instances the laity have shown a disposition to invade the rights and revenues of the churches, declares all secular laws injuriously affecting church, churchmen, or church-estate, inclusive of every right enjoyed by them in the disposal and administration of their property, to be void, without the consent of the spiritual proprietors; all taxes or imposts levied on church-estate, without such consent, to be of none effect, and the persons levying them to be subject to excommunication.

Prohibition of nepotism; diversion of ecclesiastical funds, &c.

Jealousy of the laity.

The due regulation of the charge of tithes upon land was an object of supreme solicitude to pope Innocent III.

[d] Can. xxix.
[e] Canons xxx. to xxxiv.
[f] Canons xxxv. xxxvi. and xli.

Ordinance respecting tithes.

It was accordingly resolved that the payment of tithes should take the precedence of all other charges upon the land;[g] that, consequently, tithes should be taken of the *entire produce* of the soil, before any secular burdens, tributes (rents), or taxes are levied upon it; or that the receivers of such tribute or tax should be charged with the whole tithe. At the same time it was enacted, that no spiritual persons should purchase lands, so as, by annexation to the spirituality, to discharge them from the payment of tithes, to the injury of the churches to which they belonged prior to such annexation; or that, when so annexed, they be given in farm to lay cultivators, in whose hands they should continue chargeable with tithe to be paid to the churches to which they were originally attached, subject, however, to special agreement with those churches. But in general all agreements or devices tending to deprive the parochial clergy of the tithes of land within their parishes are declared void.

Reformation of the monasteries.

As an instrument of pontifical government, the monasteries held a high place in the estimation of pope Innocent. It was admitted that abuses had crept in, which enfeebled their action and injured their reputation. The application of the remedy adopted by the council was placed in the hands of the Cistercian friars. A committee chosen from that favoured body was intrusted with the duty of inquiring, in the name and on behalf of the Holy See, into all irregularities they might discover; and to inflict the proper punishments, without appeal. Abbots and priors are directed to carry out the orders of the commissioners and the bishops of the diocese; and to be diligent in the visitation of the conventual establishments within their jurisdiction. These inquests and visitations

[g] The preamble to this ordinance (canon liv.) is remarkable. It runs thus: "Cum autem in signum *universalis dominii*, quasi quodam titulo speciali, sibi Dominus decimas reservaverit; *nos* et ecclesiarum dispendiis et animarum periculis obviare volentes, statuimus ut *in prærogativa dominii generalis*, exactionem tributorum et censuum præcedat solutio decimarum, vel saltem hi ad quos census et tributa indecimata pervenerint, quoniam res cum onere suo transit, ea per censuram ecclesiasticam decimare cogantur ecclesiis quibus jure debentur."

are ordered to take place once in every three years; and the visitor's attention is to be vigilantly directed to the protection of the persons and property of monks and religious persons against all injuries and encroachments on the part of the civil powers.[h]

Trial of clerical offenders.

The principle adopted by Innocent for the trial of clerical offenders was of a more liberal character than that of his predecessors. The inquiry is ordered to take place *in the presence of the accused*, unless he absent himself contumaciously; the charges are to be clearly and intelligibly stated; a list of the witnesses against him is to be supplied; and no appeal to the higher court, or to the Holy See, is to be allowed before judgment by the inferior court.[i] It seems that execution of the sentence was not to follow till the cause was finally disposed of; with an exception, however, in favour of the conventual bodies, in whom it was thought expedient to lodge more summary powers of inquiry and punishment than were deemed necessary in the case of bishops, dignified clergy, or secular priests.[j]

Lay discipline: treatment of sick persons.

In regard to *lay discipline*, the measures adopted by the great council of the year 1215 are, in some respects, of a more rigorous, in others of a more liberal, nature than those of the preceding period. Confession and penitential satisfaction, at least once in every year, are prescribed to the laity, on pain of excommunication, and the consequent privation of civil rights and christian burial. "And," it is recited, "inasmuch as corporeal infirmity is often the consequence of sin," all medical men are

[h] Can. xii.

[i] This ordinance therefore modifies, in the interests of stricter justice, the more ancient practice of interposing an appeal to Rome, at any stage of the cause, to stop the proceedings in the inferior court. Conf. book vi. c. vii. pp. 210-212; and book vii. pp. 254-258.

[j] Can. viii. The inclination of the court of Rome to exempt the regulars from the ordinary jurisdiction is manifest throughout all her dealings with the conventual bodies. We have heretofore adverted to numerous instances of special exemptions of this nature. The viii[th] canon of this council, however, seems to presume an absolute judicial independence of those bodies, and to give them an exclusive jurisdiction over offences committed by their own members, excepting perhaps over abbots and priors charged with ecclesiastical delinquencies.

strictly required to meddle with no cases, nor to exhibit any remedies, until they shall have persuaded the sufferer first to have recourse to the "*physician of his soul*," in order that when the health of the spirit shall have been duly cared for, the physician of the body may proceed with better effect to cure the disease:[k] all medical men convicted of disobeying or evading this ordinance, to be put out of communion until satisfaction. The value of this regulation to the interests of the church and clergy can hardly be overrated. It provides, in effect, that while the body is enfeebled by disease, the first opportunity to work upon the mind of the patient shall be secured to the priest; and inasmuch as the 'satisfaction' required for unexpiated sins was for the most part estimated in money or money's worth, the ordinance could not but turn out a fertile source of immediate or of testamentary gifts to priests and churches.

Relaxation of canonical restrictions upon marriage.

On the other hand, some relief was granted to the laity in the matter of matrimonial restrictions. The regulations hitherto subsisting as to consanguinity and affinity had led to many inconveniences. To the more vigilant or zealous churchmen they had furnished frequent opportunities of annulling marriages in other respects regular, and bastardizing the offspring; while to the dissolute laity they had afforded pretexts for dissolving distasteful connections, or indulging licentious passion.[l] A third inconvenience arising from the great extension of the prohibited degrees was the legal uncertainty it introduced as to the legitimacy of the offspring in cases where a canonical defect could be detected in the matrimonial pedigree of the parties. Pope Innocent III. may claim the merit at least of mitigating this evil. But the canon-law on the subject of matrimony, as it stood, had always been a favourite with the Church; and the pontiff thought

[k] Can. xii. "For," it is said, "when the *cause* (*i.e.* the sin of which the disease is supposed to be the consequence) is removed, the *effect* may be devoutly expected to cease likewise."

[l] For the history of the canon law of marriage the reader is referred to Appendix II. to book x. p. 427 of this work.

an apology requisite for the proposed changes. "Inasmuch," he urges, "as God himself had, in the New Testament, changed many ordinances established in the Old, it is manifest that the like changes in human ordinances are permissible, more especially when called for by urgent necessity or manifest expediency." Accordingly he abolishes the prohibition of matrimony between the relatives of a second wife and those of the first wife, and reduces the degrees, both of consanguinity and affinity, within which marriage may not be contracted, from the seventh to the fourth canonical degree.[m] Strict provision is at the same time made for the prevention of clandestine marriages, the publication of the bans, and the free allegation of impediments or objections. But all marriages within the four degrees are pronounced void, and the children are bastardised: ignorance of the law is declared inadmissible as a plea or excuse; and every such allegation, whether true or false, is to be construed a false pretence.[n]

General observations upon the ordinances of 1215.

Several rules were adopted for defining and regulating the powers of the different orders of the clergy, and for the prevention of certain gross abuses and superstitious practices, especially the invention of new relics without the authority of the Holy See; as also against the extortionate and simoniacal demands of the bishops for the grant of orders, consecration of churches, presentations to livings, mortuaries, burials, and the like.[o] These reforms were well adapted to improve the organisation of the Church as a ministerial body. But as Innocent III. was accustomed to look upon the whole establishment in the same light, he was too apt to consider what he ordained as done, and to reckon upon the execution of his ordinances with a confidence inspired by the proud consciousness of the lofty station he occupied as monarch

[m] A curious reason is given for this restriction: "Quaternarius enim numerus bene congruit prohibitioni conjugii corporalis, de quo dicit Apostolus quod vir non habet potestatem sui corporis, sed neque mulier habet potestatem sui corporis, sed vir; *quia quatuor sunt humores in corpore, quod constat ex quatuor elementis.*" Can. l.

[n] Can. li.

[o] Can. lx. to lxx.

of the Church. Yet, if doomed to disappointment in this respect, the close parallel he uniformly drew between the divine government of the world and his own vicarious functions, furnished him with an explanation of such failures, which fully satisfied the self-sufficiency of his nature. He saw that the government of God himself was not exempt from the like apparent contrarieties; he therefore could feel neither surprise nor mortification when he beheld the vicarious government subject to similar reverses. In this respect the great council of 1215 fared no better than that of 1179. If we may believe in the momentary removal of some abuses and malpractices, the ordinances of the former of these councils produced no more permanent benefit than those of the latter. But irrespective of all reform in the body of the Church, Innocent III. had done for her that which preceding pontiffs had attempted in vain. By the canonisation of the doctrine of transubstantiation he had lifted the sacerdotal body to the pinnacle of glory and honour: he had affixed to the breast of every priest a badge of superhuman dignity and reverence,—a badge he was never likely to relinquish, or permit to be torn from him: he had created an impregnable wall of separation between the Latin Christian and his incidental assailant: he had established a test from which no one could escape who was not prepared to renounce in its favour every privilege of thought or reflection. But he had done more than all this: he had devised an engine for the suppression of the faintest desire to exercise the natural faculties upon this or any other article of his creed. The "Inquisition of the faith" had assumed in his mind a shape as much opposed to every principle of justice as the doctrine of transubstantiation was inconsistent with the natural instincts and faculties of man. The creed, and the mode of forcing it into general acceptance, were twins of the same birth.[p] The perverted mind that could embrace transubstantiation as a Christian

Services of Innocent III. to his Church.

[p] The rudiments of the inquisitorial persecution are traceable in the Latin system quite as far back as those of the eucharistic doctrine.

verity was not likely to stop at any means, however inconsistent with justice and humanity, to subdue the natural reluctance of a rational being to throw away the gift of his Creator at the command of his priest.

The twelfth general council of the Latin church concluded its prescribed labours by the publication of a scheme of indulgences to all Christians who should devote themselves to the rescue of the Holy Land from the oppression of the infidel Saracens. "By the power of the Apostles Peter and Paul," the Pope proclaimed, in his own name, a general pardon for all sins committed to every Christian, from the princes of the people down to the meanest subject—from the patriarch down to the humblest monk—to every one who should sign himself with the sign of the cross, and, either in person or at the cost of his substance, should contribute to the saving work. Three places of rendezvous were assigned to the armies of the faithful,—two in Sicily, and the third on the coast of Apulia, in the vicinity of Brundusium, on the Calabrian coast. At these several points the Pope promised to meet them by the 1st day of June in the following year (1216), to give the expedition his solemn blessing, and to appoint a capable legate à latere to accompany the pilgrims, and to direct their movements. The absence of such an officer in the expedition of 1203 had led to the failure of the proper objects of the enterprise. In that instance the direction had slipped from the hands of the pontiff; and though productive of incidental advantages to the Holy See, the cause of the profitable failures had been not the less regretted and condemned by the Pope.[q] Having thus taken the conduct of the proposed expedition under his own charge, he published a variety of financial regulations, enabling the crusaders to raise the sums necessary for their maintenance and expenses at the easiest possible rate of interest. He enabled the clergy to alienate or to take up money upon the estate and endowments of their churches for

Proclamation of privilege to the crusaders.

A legate à latere to direct the movements of the army.

[q] Conf. c. v. p. 431 et sqq. of this Book.

the term of three years. All bishops and other ecclesiastical persons were commanded to exhort the kings, princes, nobles, and people—the communities of cities, towns, and villages—throughout Christendom to earn the pardon of their sins by personal participation in the sacred enterprise; or, if disabled from infirmity or other reasonable cause, to merit the same inestimable privilege by the supply of ships, men-at-arms, soldiers, munitions, or other necessaries sufficient for a three years' warfare. For this purpose the active or passive contributors are authorised to mortgage their stipends; and to the sums thus raised was to be added a subsidy of a twentieth out of all ecclesiastical revenue for that period, excepting such as belonged to those who served personally. The Pope consented to contribute 30,000 pounds of silver, besides a ship, and 3,000 marks out of the alms of the faithful, and he and the cardinals taxed themselves at a full tenth of all their revenues for the term of the crusade. The severe regulations for the protection of the property and families of the crusaders during their absence, as enacted by preceding ordinances,[r] were re-published; and a truce for four years was enjoined on all Christian princes and peoples on pain of excommunication and interdict.

Political decrees of the council.

The great council of the year 1215 may in some respects be regarded as a consultative congress of the estates, temporal and spiritual, of the European world, under the presidency of the Pope. Four subjects of an almost purely political character were brought under the notice of the fathers. Of these the most important was the crusade. The supreme direction of that vast movement involved, in fact, the general disposal of the armed forces of Christendom. A governing influence of such mighty power possessed infinite attraction for the court of Rome. No sooner, therefore, had the Popes arrived at a full apprehension of the advantages to be drawn from the prevailing excitement, than they plunged with heart and soul into the scheme. No pontiff had laboured with greater ardour and success to direct and profit

[r] Conf. book xi. c. iv. p. 566 et sqq.; book xii. c. ii. p. 45; book xiii. p. 533.

by the movement than Innocent III.; and none had been equally solicitous for its perpetuation and regulation. As far as tacit consent could establish the point, the council had placed the supreme command in the hands of the Pope. The four years' truce had been adopted; and, if length of life had been granted to the mover, the accomplishment of the vast project might have been looked forward to as within the compass of probable results. At all events the general recognition of the hegemony of the Pope of Rome in the holy wars—whether directed against pagans or heretics—was an important gain to the pontificate, and a strong support to the structure of sacerdotal government.

Hegemony of the armies of the cross.

A second topic of a similar character, to which the assent of the council appears to have been obtained, was the final deposition of count Raymond of Toulouse, and the adjudication of his estates to his conqueror, Simon de Montfort. The unfortunate prince, and his friend the count of Foix, appeared before the council and petitioned for the restitution of their principalities. The assumed jurisdiction of the council,—quite irrespectively of the constructive presence of the suzerains,—was a naked encroachment upon the temporal power. The adjudication of the lands of a vassal of the crown of France or Aragon to a foreign conqueror was by every law and custom of the period vested—if any where—in the sovereign of the state, acting under the advice and consent of his court of peers; and it would be futile to contend that the incidental presence of the envoys of the two suzerains at the council could impart to a body of strangers assembled in a distant country, under the presidency of a foreign prince, a right to dispose of their territories, or any part of them, at their pleasure. Pope Innocent, however, confirmed the sentence of deposition against the two counts, and granted their territories in perpetuity to his "faithful servant Simon de Montfort." The petition of Raymond was peremptorily dismissed, with the simple reservation of a scanty annuity to his

Adjudication of the county of Toulouse, &c. to Simon de Montfort.

son out of the estates which had not been overrun by the crusading armies.[s]

Affairs of England: how treated by the Pope in council.

The third transaction in which the council was in some way made to participate, aimed at the confirmation of the interests of the papacy in England. King John was now the devoted servant and vassal of the Holy See; the Pope had excommunicated the insurgent barons; and suspended archbishop Langton for contumaciously refusing to publish the papal ban. That prelate moreover, in defiance of the prohibition of the King and the papal legates, had presumed to present himself at Rome in the character of primate of England. The chapter of York had, in defiance of the royal recommendation, elected Simon Langton, the brother of the archbishop, to the metropolitan see of that city. The King complained to the Pope; the latter forthwith annulled the election, and commanded the canons of the cathedral to appear before the council to make a new election. Here the Pope, of his own authority, presented to them the King's nominee, Walter de Grey, bishop of Norwich. This prelate appears to have been chosen much as a matter of course; and he is said—equally as a matter of course—to have purchased the honour at the price of 10,000*l.* sterling.[t] The cause of the archbishop was, naturally enough, involved with that of his brother. Both had manifested a sinister sympathy for the liberties of their church and country. Innocent III.,

The Pope nominates the archbishop of York.

[s] Certain districts in the Provence had, it seems, escaped the scourge of Simon and his hordes. These districts the Pope took into his own hands, ostensibly as a provision for the minor son of Raymond. *Concil. Hard.* tom. vii. p. 79.

[t] *M. Paris*, an. 1215, p. 229, 230. The writer observes that all the prelates in attendance upon the council had to contribute heavily to the gratification of the Curia. "In fine autem, soluto concilio, extorsit papa de unoquoque prelato infinitam pecuniam: quam cum viaticio cogebantur ab usurariis suis, mutuo duris conditionibus, sumere." It would not, however, be just to the character of Innocent III. to charge him with personal participation in these extortions. Another explanation is not improbable. It had been resolved that the clergy of all ranks should contribute largely to the expenses of the holy war; might not these levies have been no other than an anticipation of such general contribution, while the prelates were still under the eye of the Pope, and before they could well evade the payment?

whose impatience of opposition admitted of no compromise, harshly flung his former friend from him. Langton modestly requested his reinstatement in his see, and absolution from the censures of the legates. "Nay, by St. Peter," said the Pope in reply, "brother of Canterbury, you will not find it an easy matter to obtain absolution for all the many and grave injuries you have inflicted not only on the king of England, but upon the Roman church. We therefore intend to take counsel with our brethren with what kind of punishment we ought to meet so insolent a departure from your duty." No further step, however, appears to have been taken than to confirm the sentence of the legates, and to absolve the suffragans of the church of Canterbury from their obedience to the primate.[u]

The Pope against Langton.

The confirmation of the election of Frederic II., and the rejection of Otto IV., were the last acts of a purely political character transacted by pope Innocent III. in the great council of the Lateran. This incident has been shortly adverted to in a preceding chapter of this book.[v] A single additional circumstance remains to be noticed. After the ceremony of coronation and unction at Aix-la-Chapelle, the King, we are informed, was so profoundly touched by the sermon of a certain friar, John of Xanten, that, in a moment of enthusiastic devotion, he, with many attendant princes and barons, took the cross from the hands of the preacher.[w] The generous impulse of the youthful sovereign unwittingly supplied the wanting link in the chain of the pontifical policy. By this act he pledged himself to the prosecution of an arduous and expensive foreign war, without compensating advantage to himself or his subjects. He engaged him-

Frederic II. assumes the cross; consequences.

[u] *M. Paris*, ubi sup. The charges exhibited by the King's emissaries against archbishop Langton were, that he had instigated the nobility of the kingdom to take up arms against him; that he had refused to excommunicate the nobles; that he had disobeyed the decree of suspension, and had gone to Rome in spite of the prohibition of the legates.

[v] Ch. vi. p. 515.

[w] *Raynald.* an. 1215, p. 385, from Godofe Mon. Conf. *Rich. de S. Germans.* Chron. an. 1215, ap. *Murat.* vii. pp. 388, 389.

self and his states to an incalculable expenditure of blood and treasure; every material profit of which—if any should accrue—must be reaped by Rome. Success or failure must equally exhaust the resources of the state, withdraw the attention of the sovereign from the interests of his domestic government, and weaken his powers of resistance to temporal or spiritual encroachment. Pope Innocent III. had done all that diplomatic skill could effect to chain the new emperor to the chariot-wheels of the Holy See. By the assumption of the cross that prince had presumptively placed himself and the military powers of the empire under the command of Rome; the unqualified cession of Central Italy to the Pope had virtually cut him off from his southern dominions; and the prospective renunciation of the crown of Sicily[x] had involved him in a net of consequences, from which he could extricate himself only by rending its meshes and implicating himself in the guilt of perfidy, whenever a fuller light should be thrown upon his new position, and the intolerable hardship and disgrace it entailed should break upon him and his subjects.

Pontifical charges against Frederic II.

Yet the imputations of perfidy and perjury heaped upon the memory of Frederic II. by the pontifical annalists are, even if technically maintainable, at best overcharged.[y] The successors of Innocent III. had indeed to learn that that discerning pontiff had accomplished but half his task, and that the other half remained hopelessly out of his reach. He had not yet apprehended the commonplace truth, that durable political adjustments must be built upon something more solid than oaths or promises from which reciprocity of advantage is wholly excluded. Stipulations and covenants which leave behind them an enduring sense of injustice and humilia-

[x] See ch. vi. p. 512 of this Book.

[y] *Raynaldus*, who outbids his predecessor Baronius in zeal for the interests of the Holy See, observes (an. 1215, § 35, p. 385), upon occasion of the decision of Innocent III. in favour of Frederic, that "by this step he (the Pope) believed that he had rendered a service to the Holy See; but that Frederic subsequently outrun Otto IV. in the race of perjury, though at the first he had cunningly put on the mask of zeal *for the cause of God*."

tion can be sustained only by a physical force ever ready to suppress resistance. Imperative duties and influences drive governments and peoples from the course marked out for them on parchment. Thus, when, by the force of events, the emperor Frederic became sensible that he had been overreached, and that the leading-strings to which his childhood had willingly submitted were, at the command of a foreign priest, to be converted into chains to drag him away from the legitimate objects and duties of his position, we feel no surprise that the conscientious conflict should end in the sacrifice of the remoter to the more immediate obligations of his government and station.[z]

Throughout this pontificate the Cistercian friars had enjoyed the greatest share of the papal favour. The monasteries and convents of the order were scattered over the surface of the Latin world; swarms of itinerant fanatics issued from within their cells, ready for any work the pontiff might have for them to do. Their frantic homilies suited the coarse tastes of their hearers; scarcely a town or village in France, Germany, Italy, Spain, but resounded with fiery exhortations to "take the cross," to "unsheathe the sword," to "bind and to slay the enemies of God and the Pope." For these purposes more zealous or effective instruments could not be desired. But when their task was performed,—when order and system became necessary to impart body and soul to the naked theory of persecution,—a mind of a larger comprehension, a cooler and more impassible intelligence was to be sought for. Such a person was found in the Spaniard Domingo or Dominic, of Calaruega.[a] Collecting a small number,—at first only sixteen followers,—he established them in a monastery at Toulouse, surrendered

Establishment of the order of friar-preachers or Dominicans.

Dominic of Calaruega.

[z] Conf. the parallel remarks upon the sins imputed to Otto IV. by the Pope, ch. vi. pp. 500, 501 of this Book.

[a] A town of Old Castile, in the diocese of Osma. Dominic was born in the year 1170. He devoted himself from his earliest years to an ascetic life; and soon obtained distinction by his burning zeal for the conversion of sinners, of whom the heretical sects of the day were the most conspicuous and the most dangerous. His mis-

to him by his converts. The work went on and prospered; new disciples were added to the original establishment, and judiciously located over the districts wherever heresy or dissent was at all likely to rear its crushed and bruised front. The labours of nearly six years were consumed in the process of bringing his system of conversion into working order. The great council of the Lateran afforded a favourable opportunity for laying his plan before the Pope and the assembled Church. At Rome, however, he encountered unexpected obstacles. The attention of the Pope was, we are told, rather directed to the reformation of the existing system of monastic discipline than the institution of new orders of monks. Though patronised by some of the most influential members of the council, Dominic's proposals were coldly looked upon by the Pope, till his hesitation was put an end to by that species of revelation he was not unaccustomed to look for in critical or ambiguous cases.[b] At all events the vision awakened the dormant sagacity of Innocent, and Dominic returned to France with the papal license for the organisation of the order of preaching-friars. Before the death of the founder many monasteries and convents of the order were planted in France, Italy, Spain, Germany, England, Ireland, and Scotland; and within the following century they overspread the whole area of Latin Christendom. The special object of their

sion to Languedoc, in the company of his bishop, Diego of Osma, has already been mentioned (ch. vii. p. 531 of this Book). He seems to have been well aware that, notwithstanding the wholesale massacres committed by the crusaders, the conversions were, in a multitude of cases, merely colorable, and that an organised body of inquisitors was indispensable to tear out the root of dissent, and to subdue the mind rather than slay the body of his adversaries. The idea of establishing an order of *friar-preachers*, whose duty it should be to preach the gospel of Rome, to defend the established faith, and to propagate Latin Christianity in all its strictness of dogma, had suggested itself to him during his missionary labours in Languedoc; when, after the death of Diego, the murder of Peter of Castelnau, and the retirement of Arnold, he found the whole burden of the mission cast upon his single shoulders.

[b] He dreamt, we are informed, that he beheld the whole fabric of the Lateran falling to ruin; and that he saw the holy Dominic hasten to the rescue of the tottering fabric, and supporting it upon his single shoulders. *Raynald.* an. 1215, § 18, p. 380, from *Theoderic.* Vit. S. Domin. and *Surius.* A similar vision, vouchsafed to him nine years before, had induced him to grant the papal confirmation to the order of St. Francis of Assisi. *Helyot.* Hist. des Ord. Monast. tom. iii. p. 203.

foundation—the defence of the established faith—pointed out the Dominican order as the proper instrument for working out the scheme of pope Innocent III. for the suppression of heresy. Though it may be doubtful whether Dominic himself acted as the chief of the new tribunal, we are assured that the spirit of the *inquisition* dwelt in him, and that the functions assigned by him to his preachers involved the germ of that maturer inhumanity and cruelty which attained its full development in the dealings of the so-called *Holy Office*.

Institution of the Franciscan order.

In the council of 1215 pope Innocent assented verbally to the institution of the order of minorite friars, founded by the ecstatic Francis of Assisi. The objects of the order savoured rather of religious quietude, than of the morose and hard-hearted proselytism of Dominic.[c] But the eloquent pleading of the preacher, his unmistakable sincerity of purpose, his pure and holy life, appealed too strongly to the better part of Innocent's nature to be overlooked. Though in its beginnings simply permissive, the order grew and flourished *pari passu* with the disciples of Dominic. The Franciscan rule represented rather the spiritual life of the Church, such as it was; the Dominican, its active and material principle. The incompatibility was not long in producing the bitter fruit of mutual persecution, and involving the religious world for a lengthened period in confusion and strife.

Last labours and death of Innocent III.

The feverish solicitude of Innocent III. for the success of the great crusade inaugurated at the council of the Lateran appears to have operated prejudicially to his bodily health. Incessant labour in the performance of his many and arduous duties may have contributed to undermine a naturally strong constitution. Though now only in

[c] See his excellent instructions to his preachers, ap. *Fleury*, H. E. tom. xvi. p. 414. The order of "Friars minor," "Minorites," "Franciscans," was properly founded in the year 1207, and had for some time to contend against the prejudices of the Pope, possibly arising from a sense of the services rendered by the Cistercian order for the suppression of heresy, and the great influence of that powerful body at Rome.

the fifty-seventh year of his age, and the nineteenth of his pontificate, the powers of life were already on the wane. After the dissolution of the great synod of 1215, all his thoughts were absorbed in the task of promoting the projected crusade. For that purpose it was of the first importance to appease the disturbances in Italy occasioned by the chronic warfare between the powerful maritime republics of Genoa and Pisa. As long as these states continued at variance, the necessary supply of transports for the conveyance of the troops could not be hoped for;[d] and as soon as Innocent found himself disengaged from the most pressing avocations of his office, he removed from Rome to Perugia, to be nearer to the scene of disturbance.[e] Here his irascible temper was severely tried by the news of the invasion of England by prince Louis of France, in defiance of his commands and menaces. Ascending the pulpit of the cathedral, he preached a frantic sermon from the prophet Ezekiel;[f] and concluded by solemnly excommunicating prince Louis and his father, Philip Augustus: he forthwith set his secretaries to work in multiplying transcripts of the denunciation and sentence against the king and kingdom of France. While agitated by these exhausting passions, he was seized with fever; which, however, was not allowed to interfere with his daily labours. But, after a temporary rally, he was attacked by an incapacitating paralytic seizure, which terminated his existence on the 26th July 1216, after a pontificate of eighteen years, six months, and nine days. The body was interred in the cathedral of Perugia.[g]

Innocent III. judged by his contemporaries.

No pontiff rendered such important services to the general and traditional objects of the pontifical policy as pope Innocent III. In Italy he had reduced into actual possession nearly all the territorial claims put forth by the papacy

[d] The Venetians were at this time too much engaged with their Greek conquests to spare a naval armament for the new crusade. Pisa and Genoa were therefore almost the only sources to which the Pope could look for the necessary supply of ships and sailors.

[e] He quitted Rome in the month of June 1216.

[f] "Sword, sword, go forth from the scabbard," &c. &c.

[g] *Raynald.* an. 1216, § 9, p. 390.

since the reign of Charlemagne. By patient and incessant claims under colour of grants, charters, bequests, genuine or spurious, the road to this unqualified success had been carefully and laboriously prepared. A concurrence of political circumstances had thrown into the hands of Innocent III. the desired opportunity. No contemporary prince—Philip Augustus of France perhaps excepted—possessed the talent of seizing his advantages with equal promptitude and vigour. A writer of his age describes him as "a man of wonderful fortitude and wisdom—one who had no equal in his own day; whereby he had been enabled to do acts of miraculous power and greatness." Thus far his merits as a ruler of men are beyond dispute. The moral character of his reign was, however, variously judged of by his contemporaries. It is to the credit of the Latin priesthood that all these services have not earned for him a niche in the Roman pantheon. The excessive rigour with which he insisted upon every favourite object of his policy had so seriously injured his popularity, that, according to the deposition of another of his contemporaries, his death was the cause of more joy than regret to his spiritual subjects. The English clergy generally regarded him with profound dislike. St. Luitgarde, the prioress of a Cistercian convent in Brabant, publicly announced, that immediately after his death, she had seen him in a vision wrapped in flames, and suffering purgatorial torments till the day of judgment, in expiation of sins committed in the flesh.[h] However well inclined men may be to profit by the sins of their chiefs, there is a class of crimes against which—in defiance of interest and prepossession—the moral sympathies rise up in judgment. The crimes

[h] *Raynaldus* (an. 1216, § 11, p. 391) declares the story of St. Luitgarde to be an invention of the arch-enemy; "for," he says, "it is incredible that a man distinguished for every virtue under the sun should have been guilty of crimes deserving of such a punishment." St. Luitgarde affirmed that the vision informed her that but for the intercession of the Mother of God, to whom he had built a monastery, he must have been doomed to hell-fire for the many sins he had committed; but that, notwithstanding her advocacy, he was condemned to purgatorial torment till the day of judgment. Conf. *Fleury*, H. E. tom. xvi. p. 426 et sqq.

of ambition, cruelty, and treachery, carry with them a certain, though it may be a posthumous, punishment. The duty of vindicating the character, of eulogising the career of Innocent III. must be abandoned to those who look upon the material interests of their church as paramount to the great obligations upon which the welfare of civil and religious society mainly rests.

General observations on the pontificate of Innocent III.

The pontificate of Innocent III. is properly regarded as the epoch of the utmost extension of the papal power and influence in Europe. The principles of sacerdotal government were fully elaborated, and placed upon an intelligible basis. The code of ecclesiastical law was completed, and brought to the knowledge of the Christian world. The discipline of the churches was in a great degree wrought into harmony with the practice of Rome, and every thread of ecclesiastical government was centered in the hands of her pontiff. The management of this vast machine was, it is true, no ordinary task. The most perfect laws, the most accomplished organisation, is liable to irregularities in action, which call for a practised hand to check or to control it. But if, in respect of the mere practice of government, administrative capacity was any where to be sought among the men of that age, it was surely found in the members of the Roman curia. Order, method, unswerving resolution, inexorable determination, undaunted self-assertion, patience, vigilance, and cunning, all coöperating to the accomplishment of a single well-defined object—and that object the unlimited extension of the political power of the pontiff of Rome—had achieved a signal triumph over the irregular, the selfish, and the impulsive opposition of the secular powers. But with all these advantages, there were defects and flaws in the scheme, which, if they did not immediately affect its vitality, threatened a decay of its active powers. Independently of those events which no human sagacity can foresee or provide against, exorbitant power tends in the long-run both to corrupt the possessors and to derange the system upon

which it is built. In the case of the papacy, that derangement was not immediate. For ages subsequent to the death of Innocent III. the sceptre of Rome was wielded by men of his school and stamp; nor do we trace any material decline in her governing powers until the great schism of Avignon rent the Church into fragments, and divided the allegiance of the Christian peoples. The conflict was tedious and wearing to the system; and at the close the vital powers were found to be irretrievably impaired by the advances of civilisation, the invention of printing, and the sudden relaxation of the bonds which had hitherto chained the mind of men down to an inexorable routine. The perpetuation of that state of things, indeed, presupposed the utter stagnation of social improvement. The danger of a disturbance of the calm surface of pontifical despotism, even in the age of Innocent III., had alarmed the sagacious pontiff; but his was the trepidation of action, not of fear. The movement was quenched in blood. For a period of three centuries the embers of reformation smouldered in the secret places of the earth—in the mountain-valleys and caverns, till the light of revelation broke through the clouds which had hitherto obscured its brightness, and the political interests of princes began to flow into the same channel with the religious aspirations of their people.

Object of the preceding volumes.

Though our work has been brought down to an epoch at which the character of the papal system was developed in its utmost fulness, the gradual decline from this lofty eminence appears to form a necessary supplement to its history, as a still subsisting and highly influential institution. The longevity of the system has been strongly urged by its advocates in attestation of its divine origin and authority. That, say they, which has been the same from the beginning that it now is, must be traced beyond the cognisance of human memory up to the eternal source of truth itself. If the principles, as thus announced, be admitted, Roman Christianity would still enjoy little advantage over several of the more ancient and still

subsisting religious creeds in the world.[1] The controversy upon this point, however, soars above the region of secular history. The only issue we have dealt with arises on the question, whether the scheme *is really the same* NOW that it has been from the beginning. The reader will probably find in the work before him evidence applicable to the material question, "Whether the *political element*, which avowedly forms an essential part and portion of the Latin scheme, has or has not been from all time what it now is?" The ultramontane party, whom we must regard as the real champions of the affirmative,—though nowadays they would hardly venture to pledge themselves directly upon the point,—would probably stand upon the more ancient theory of a visible church. They would contend, with the disputants of the age of Gregory VII., that such a church could be based upon no other foundation but that of corporeal and visible property and possessions; that the idea of a simply spiritual authority, unsupported by that which alone could give it effect in action, would be a soul without a body—a thing impalpable and invisible, and therefore no church at all, in the sense of an externally operative institution. If—they would allege—such a church was intended from the beginning, her title to territorial possession and power is indisputable. This mode of treating the subject takes it out of the domain of fact, and throws it back into that of speculation or inferential theology. Whether our Divine Master *intended* to found such a church, is a properly theological question. It has been no part of our duty to inquire whether the religion of Rome be founded on truth or error; but simply to supply and arrange the facts which will enable the reader to determine for himself its probable operation upon the material interests of society. The great epoch, which closes with the reign of Innocent III., has been dealt

[1] *E. g.* Brahminism, Budhism, the Zend or Zoroastrian scheme, not to mention Mohammedanism. All these creeds have undergone fewer changes in the course of their history than Latin Christianity itself, and still number among their votaries a much larger portion of the earth's inhabitants than the religion of Rome.

with in great, and, as some may think, tedious and unprofitable, detail. The growth of the political power of Rome has been traced from its humble infancy up to an eminence approaching universal empire: and here the labours of the writer must close, unless life and health should be granted him to bring down the narrative to the epoch of the Reformation in the sixteenth century. In no event, however, could the work extend beyond a supplemental volume, comprehending a simple epitome, which would enable the reader to connect the facts disclosed in the preceding volumes with the elaborate details of Ranke, D'Aubigny, Waddington, and other writers who have devoted time and talent to the illustration of that great event.

CHRONOLOGICAL INDEX TO VOL. V.

BOOK XII.

CHAPTER I.

INNOCENT II. AND ANACLETUS II.

DATE		PAGE
1124.	Election of Honorius II.	2
	Adverse election of Cœlestine II.	2
	Abdication of Cœlestine—Honorius confirmed	2
	Honorius II. claims the patronage of the abbey of Monte Casino as a papal foundation—his success	3
1127.	Roger II., king of Sicily, claims the duchies of Calabria and Apulia against the Pope	4
	Roger occupies the duchies; the Pope prepares for war	4
	The Pope deserted by his vassals	5
	Pacification—Roger II. does homage to the Holy See for the conquered provinces	6
1130.	Death of Honorius II.	6
	Double election of Innocent II. and Anacletus II.	6
	Justification of the election of Innocent II. by Bernard of Clairvaux	7
	His objections to that of Anacletus II.	7
	Innocent II. abandons Rome and takes refuge at Pisa	8
	Character and reputation of Innocent	8
	Anacletus the descendant of a Jew	8
	Innocent II. in France	9
	Defence of Anacletus II.	
	Protest of canon Reimbald of Liége against the slanderous tales and reflections upon the character of Anacletus	10
	The English prelacy acknowledge Anacletus	11
	Bernard gains over Louis VII. of France and Henry I. of England for Innocent II.	11
	The emperor Lothar of Germany converted by Bernard	11
	Corrupt election of the emperor Lothar.	
1131.	He renounces the Treaty of Worms (1122)—repents, but does homage to the Pope—Diet of Liége under the management of Bernard of Clairvaux	12
	He requests to be relieved from the renunciation—his request rejected by Innocent II.—is crowned Emperor	13
	Bernard, abbot of Clairvaux, his character, training, elevation, habits, labours, and reputed miracles	14
	Causes and effects of his popularity	15

DATE		PAGE
	Bernard on the supremacy of the Roman Pontiff	16
	His (the Pope's) spiritual absolutism	16
	The emperor Lothar in Italy—arrives in Rome—his coronation—subserviency to the Pope	17-18
	He retires from Rome—Insolent inscription	18-19
1133.	Abbot Bernard in Pisa—worshipped as a saint	19
	He undertakes the restoration of pope Innocent II.	20
1136.	Second expedition of the emperor Lothar into Italy	21
	Capture of Amalfi and Salerno, reduction of Campania and Apulia; restorations	21
	Dissensions between Pope and Emperor—Rainulph of Avellino the new duke of Apulia	22
	The Emperor nominates the abbot of Monte Casino—Dissatisfaction of the Pope	22
	Retreat and death of the emperor Lothar	23
1137.	Roger II. recovers the conquests of Lothar, but suffers a defeat	23
	Bernard the mediator between Roger II. and pope Innocent II.—Discussion, adjournment, death of Anacletus, and exultation of Bernard	24
	The Anacletian party elect Victor IV.—He abdicates, and is reconciled to Innocent II.	25
1139. Apr. 20th.	Retirement of Bernard—*General council at the Lateran*—declaration of the unbounded prerogative of the Holy See—temporal and spiritual estate of the Church a fief of the Holy See—Denunciation of clerical marriage—Condemnation of lay investiture—Anathema against Arnold of Brescia and the "political heretics"	26
	Death of duke Rainulph, and reconquest of Apulia by king Roger II.—Pope Innocent II. the prisoner of Roger—Accommodation—Roger acknowledged King of Sicily—Apulia enfeoffed to William, son of Roger	27
1141.	Disturbed state of Rome—War against Tivoli—Overthrow of the papal government, and exile of Innocent II.	28
	Pontifical theory of the severance of Church and State	28
	Illustrative transactions in France—the Pope assumes the appointment of bishops in France—the papal archbishop of Bourges expelled by king Louis VII.	29
	Affair of Theobald of Champagne—Ralph of Vermandois divorces the sister of Theobald and marries again—Innocent II. interdicts the kingdom for the King's complicity with the offence of Ralph	30
	Bernard and Peter of Clugny in the affair of Theobald of Champagne and Ralph of Vermandois	30
	Fraudulent compromise proposed by Bernard to Pope Innocent II.	31
	The plot detected and the compromise rejected—Vacant bishoprics in the hands of the King	32
1143. Sept. 24th.	Death of Innocent II.—Election of Cœlestine II.—Revolutionary state of Rome—Accommodation with France, and settlement of the quarrel with Earl Theobald of Champagne	32-33

CHAPTER II.

BERNARD AGAINST THE SCHISMATICS.

DATE		PAGE
	Church and clergy of the twelfth century	34
	Fermentation in the religious mind of the twelfth century	35
Cir. 1116.	Peter de Bruys and Henri — their imputed heresies— Martyrdom of Peter—Bernard and Peter of Clugny against Henri, &c.	36
	Dissent in France—"Followers of the Apostles"—Errors of Gilbert of Poitiers—of Peter Abælard	37
	Bernard against Abælard and Arnold of Brescia	38
	Citation of Abælard	38
	Condemnation of the writings of Abælard, &c.	39
	Arnold of Brescia	40
	Bernard against Arnold	40
	Arnold at Zürich	41
	Arnold in Rome	42
1144.	Cœlestine II. and Lucius II., popes	43
	Death of Lucius II.	43
1145.	Eugenius III. pope	44
Feb. 27th.	Revolutions and outrages in Rome	44
	Restoration and second expulsion of Eugenius II.	45
	Revival of the crusading mania	45
	Bernard the prophet of the crusade	45
	Disastrous issue of the crusade	46
	Bernard assailed as an impostor—his retort	46
	Apology for Bernard	47
	His conduct, how far censurable	47
	His justification	48
1146.	Bernard against the Romans	48
	His summons to the emperor Conrad	49
1146. 1147.	Pope Eugenius III. in France—Great council at Rheims	49
	Bernard in disgrace with the Curia	50
1147.	Commission to Bernard to make *inquisition* into the heresy of the Henricians	50
	Bernard inquisitor and persecutor	51
	Bernard attempts to reform the Curia	52
	Inveterate corruption of the Curia	52
	Legatine commission—Extortions of legates	53
	Bernard on the irregularities of the legates	53
1153, 8th July	His work "De Consideratione"	53
	Eugenius III. in exile—his death	54
1153, 20th Aug.	Death of Bernard of Clairvaux	55
	Death of abbot Suger of St. Denys	55
	Shifting of the scene	55

CHAPTER III.

FREDERIC I. AND HADRIAN IV.

1152, 15th Feb.	Death of Conrad III.	57
1152, 5th Mar.	Election of Frederic Redbeard	57
	Accommodation with Eugenius III.	58
	State of Italy at the accession of Frederic I.	59
	Rivalry and ambition of the cities of Italy	60

DATE		PAGE
	Warfare of the Lombard cities among one another	61
	Conrad II. in Italy	61
	The emperor Lothar in Italy	61
	Conrad III. in Italy	62
	Frederic I. in Italy	62
	Political relation of the kingdom of Italy to the empire	63
1154.	Frederic I. in Italy; diet of Roncaglia	64
2d Dec.	Anastasius IV. pope—his death, and election of Hadrian IV.—his extraction and career	65
	Arnold of Brescia and the "political heretics"	66
	Character of the Roman people—how treated by Hadrian.	66
	Frederic I. sacrifices Arnold to the Pope—his martyrdom	67
	Reception of Frederic I. by Hadrian IV.—Neglected ritual.	68
	Accommodation	69
	Bombastic address of the Romans to the Emperor	69
	Their preposterous demands	70
	Reply of the Emperor	71
	Advance of the Emperor to Rome—his coronation, and insurrection of the Romans, &c.	72
	The Emperor and the Pope abandon Rome—Retreat of the Emperor	73
1154.	War between Hadrian IV. and William, king of Sicily—Defeat of William	74
	William recovers his lost ground—he besieges the Pope in Beneventum	75
1156.	Negotiation and treaty of St. Marcion	76
	General relations between the empire and the papacy	77
	Claims of the empire upon the Norman fiefs of Southern Italy	78
	Growing alienation of the Emperor and the Pope—Rupture	79
	Affair of the archbishop of Lund	80
1157.	Insolent message of pope Hadrian to the Emperor	80
	Stormy interview, and dismissal of the Pope's legates	81
	Frederic I. vindicates his treatment of the legates	82
	He prohibits unlicensed resort to Rome	83
	Reply of the German clergy to the papal complaint	84
	The explanations of the Pope	85
	The Emperor accepts the apology of the Pope	86

CHAPTER IV.

FREDERIC I. AND ALEXANDER III.

	State of Lombardy	87
	Milan regains the ascendancy	88
1158.	Submission of the Milanese to the Emperor	89
	Diet of Roncaglia—Difficulties of government	89
	Insurrection of the Milanese	90
	Impediments to sound legislation in Italy	91
	Siege and capture of Crema—preparations of the Milanese	92
	Frederic I. and pope Hadrian IV.—The Emperor fills vacant sees, &c.	92

DATE		PAGE
	He transfers the estates of the countess Matilda to the duke of Bavaria	93
	Intemperate address of Hadrian IV. to the Emperor—Reply of the Emperor	94
	Demands of the Pope	95
	Soothing reply of the Emperor	96
	Character of the papal demands—the 'Regalia'	97
	The renunciation of the treaty of Worms (1122) by the emperor Lothar not binding upon Frederic I. &c.—Rejection of the papal demands	98
	Epitome of the controversy	99
	Hadrian IV.—Claims *independent sovereignty*, &c.	100
1159. Sept. 1st.	Death of Hadrian IV.	101
	State of parties in the sacred college	101
	Election of Roland Bandinelli—Alexander III.	101
	Adverse election of Octavian Monticelli—Victor IV.	102
	Policy of the Rolandists—mutual cursings	102
	Policy of the emperor Frederic I.	103
	Contrariety of views of the connection between Church and State	104
	Imperial view of the question	104
	Pontifical view, &c.	105
	The Emperor calls a general council at Pavia	106
	He invites the rival pontiffs to appear and defend, &c.	106
	Reply of Alexander III.	107
	Difficulties of the Emperor	107
1160.	The council of Pavia	108
	Character of the council of Pavia; its competency	109
	Ghibelline principle of the union of Church and State	110
	Qualifications and policy of Alexander III.	111
	Advice of bishop Arnold of Lisieux	111
1160. Mar. 24th.	Excommunication of the emperor Frederic I.	112
	Pontifical vituperation	112
	Specious imputations	113
	Efforts of the Rolandist legates in England and France	113
	Their success in England	114
1161.	Difficulties in France—council of Toulouse	114
	Ultimate success of the legates	115
	Failure in Germany	115
	Letters of Alexander III. to Eberhard of Salzburg, &c.	115
	A single convert—Peter, archbishop of the Tarentaise	116
	Gains to the cause of Alexander III.	116
	Difficulties of the Pope	117
1162. April 15th.	Siege of Milan—Surrender of Milan	117
	Flight of Alexander III.—Arrives in France	117
	Proposed mediation of earl Henry of Champagne	118
	Alarm of Alexander III.—He refuses to attend a conference	119
	Interview between the Emperor and the king of France, &c.	120
	Tergiversation of Louis VII.	120
	Flight of Alexander III. into Aquitaine	121
	Breach of faith and deception of Louis VII.	121
	Conduct of Louis indefensible	122

CHAPTER V.

FREDERIC I. IN ITALY—HIS FAILURE AND RETREAT.

DATE		PAGE
	Prospects of Frederic I.	123
	Interviews between Alexander III. and the kings of France and England	124
1163. May 19th.	Great council of Tours	125
	Converts to the pontifical party—Eberhard of Salzburg	126
	Character of the council of Tours—Arnold of Lisieux on the papal prerogative	126
	The clergy—their preëminence	127
	The Emperor declared to be a vassal of the Church	128
	Canons of the council of Tours	128
	Activity of Alexander III.	129
	Alexander III. and the monastic bodies	129
	His project for the emancipation of the clergy from the secular state	130
	Tendency of the policy of Alexander III.	131
	Italian policy of Frederic I.	132
	Discontent in Italy	133
	Death of pope Victor IV.	133
	Election of cardinal Guido of Crema as Pascal III. by the imperial party	134
	Its defects	134
1164.	Revolt of the Lombard cities	134
1165. May 23d.	Diet of Würzburg	135
	Embassy of Henry II. of England to Frederic I. against pope Alexander	136
	The Diet pledges itself to Pascal III.	136
1165, Nov. 24th.	Papal and Guelfic interests predominate in Italy and Rome	137
	Return of Alexander III. to Rome	138
	Frederic I. in Italy	139
1167. Nov.	He marches to Rome	140
	Insurrection of the Lombards	140
	Intent of the insurgents	141
June 29th.	Siege of Ancona, and fatal delays there	141
	Operations of archb. Christian before Rome—Defeat of Romans	142
July 16th.	Siege of Rome—Defended by pope Alexander III.	143
	Dangerous delays	143
	Capitulation of Rome, and evasion of pope Alexander	144
	Projects and coronation of Frederic I. by pope Pascal	145
1167. Aug.	Destruction of the imperial army by pestilence	146
	Moral effect of the overthrow of the imperial army	147
	Retreat of Frederic I.	147
	Escape of the Emperor, and his measures to retrieve the disaster	148
	Revolt of the Lombard cities—Building of Alexandria	149
	The Romans stand out against Alexander III.	150
	Death of Pascal III. and elevation of Cœlestine III.	150
	The Pope and the emperor Alexius Comnenus of Constantinople	150
	Frederic I. proposes negotiation to the Pope	151
	Alexander III. demands implicit submission	152
	Divergency of the pontifical and imperial theories, &c.	152
	Failure of the negotiation	152

DATE PAGE

The Pope takes the city of Tusculum under his protection . 153
Treachery of the Romans 154

CHAPTER VI.

CLOSE OF THE PONTIFICATE OF ALEXANDER III.

Great men 155
The emperor Frederic I. in Germany 156
1171. Archbishop Christian of Maintz in Italy 156
1174. Expedition of Frederic I. into Italy—Siege of Alexandria . 157
1175. Negotiations for peace thwarted by the Pope 158
Negotiations—Demands on both sides—Rupture . . . 159
Haughty demeanour of the papal legates 160
Opening of the campaign of 1176 160
1176. Defeat of the Emperor at Legnano 161
Consequences of the defeat 162
Approach of the parties 163
Negotiation with the Pope 164
Pontifical demands 165
Provisional treaty of Agnani 166
1177. Mar. 24th. Alexander III. removes to Venice 167
He proposes that city as a proper place for the negotiation 168
Suspicions of the city—Delegates—They yield to the determination of the Pope 168
Negotiations—Their progress—Proposals of the Pope . 169
The Emperor approaches Venice 170
1177. Treaty and pacification of Venice 171
Ceremonial interview between the Emperor and the Pope at Venice 172
Character and scope of the treaty of Venice 173
Advantages derived by the Pope from the treaty . . . 174
Generous conduct of Alexander III. 175
Practical defects of the treaty—Dispute about the county of Bertinoro 176
1178. Feud between the Romans and the citizens of Viterbo . . 177
Difficulties of the papacy—Corruptions—Schisms . . . 178
1179. Convocation of a general council of the Lateran . . . 179
Objects of the council 179
Questions for the council 180
Difficulties as to the Matildan estates 180
Imperial claim to the Matildan estates . . . 181
The title by testamentary bequest 182
Growth of heresy—The Albigenses, &c. . . . 183
Conference of Lombers 183
Prevalence of heresy in the south of France . . . 184
Inquisition in Languedoc 185
Meeting of the eleventh general council of the Latin church 186
Measures of the council—Election law 187
Reformatory ordinances 187
Intent of the Pope in council 188
The emancipation of the clergy from taxation . . 189
Decree of extermination against the Albigenses . . 190
Character of the decree 191

CHAPTER VII.

EXTERNAL POLICY OF ALEXANDER III.—SCANDINAVIA—ENGLAND.

DATE		PAGE
	Foreign policy of the Holy See	194
	Foundation of the missionary church of Hamburg	194
	Gradual conversion of the Scandinavian heathen	195
	Progress of Christianity in Denmark, Norway, and Sweden	197
	Triumph of Christianity in Scandinavia	198
	Submission of the Scandinavian churches to Rome	199
	State of the northern churches, and reforms of Alexander III.	200
	Expansion of the Latin scheme	202
	Its scope and objects at this period	202
	Steps by which these objects were attained	203
	Original powers of the crown in ecclesiastical affairs in England	204
	Powers of the Anglo-Saxon kings	205
	Introduction of canon or decretal law	205
	Earlier conflicts between the canon and the common law	206
	William the Conqueror	207
	Henry I. and archbishop Anselm	207
	End of the contest	208
	The legatine commission in England	208
	The law and custom of England in ecclesiastical causes	209
	Encroachments of Rome on the law and customs of the realm	210
1164, Jan.	Henry II. and the "*Constitutions of Clarendon*"	211
	Nature and objects of the Constitutions of Clarendon	211
	Archbishop Becket—His character and designs	212
	Privileges and profligacy of the English clergy	213
	Alarm of Henry II.	214
	Archbishop Becket and the "salvo &c."	214
	Domestic position of Henry II. prior to the enactments of Clarendon	215
	Articles of the "*Constitutions of Clarendon*"	216
	Becket subscribes the Constitutions, &c.—his remorse	218
	His absolution, and condemnation of the "Constitutions &c." by Alexander III.	218
	Policy of Alexander III.	219
	Persecution of Becket by Henry II.	220
	Heroism of Becket	221
1164, 8th Oct.	Parliament of Northampton; the King's ultimatum	223
	Reply of Becket to the ultimatum	224
	Remonstrances of the bishops, and Becket's reply	225
	He rejects the jurisdiction of the parliament	225
13th Oct.	Escape of Becket, and his reception in France	225
	Vindictive proceedings of Henry II. against Becket	226
	Becket's address to pope Alexander III.	227
	Becket's reception by the Pope	228
	Henry II. threatens the Pope with secession	229
1166, June 3d.	Becket in France—Tone and character of his correspondence	230
	He excommunicates the King's ministers	232
	Becket's view of ecclesiastical privilege	233
	Henry II. declares the prerogative of the crown, and his resolution to uphold the laws and constitution of the realm	234

DATE		PAGE
	Becket endeavours to persuade the Pope to excommunicate the King	236
	Temperate remonstrance of the bishops to Becket	237
	Becket's reception of the remonstrance—his intemperate rebuke to the bishops	238
	The Church the supreme ruler on earth	239
	Trimming letter of the bishops to the Pope	240
	Becket's complaint to the Pope	240
1167.	Self-exculpation of Alexander III.	241
	Soothing message of the Pope to Becket	243
	Becket disputes the competency of the papal legates	244
1168.	Arts resorted to to thwart the pacification	244
	Guiding principle of Becket's policy	245
	Policy of Alexander III.	246
	Failure of the Pope's attempt at pacification	246
	Becket on the omnipotence of the Church	247
1169.	Attempt of the king of France to reconcile Becket to Henry II.	248
	Failure, and conditions offered by Henry	249
	Legation of Gratian and Vivian; its failure	249
	Secession of Gratian—Vivian alone attempts to resume the negotiation	250
	Alexander contemplates more rigorous measures against Henry II.	251
	New legation	252
	Efforts of the Pope to effect the restoration of Becket	252
	Alexander III. takes the management of the controversy into his own hands	253
1170.	Commissioners appointed, &c.	254
	Terms of reconciliation agreed upon between the Pope and the King	254
	Mutual dispositions of Henry II. and Becket	255
	Interview between the King and the archbishop	256
	Dispositions of the parties	257
	Prospects and designs of the Pope and the archbishop	259
	Becket returns to England	260
	Difficulties interposed to the restoration and indemnity, &c.	261
	Violent proceedings of Becket	261
1170, Dec. 29th,	Insane anger of Henry II. and murder of Becket	262
	Henry II. exculpates himself to the Pope	263
	The King's remorse—its effects	264
	Henry II. submits to the Pope	264
1172, Oct. 27th,	Triumph of the papacy—Abrogation of the statutes of Clarendon	265
	The King's oath	266

CHAPTER VIII.

SUCCESSORS OF ALEXANDER III.—FIVE PONTIFICATES.

	The *liberties* of the Church—What?	268
	Canonism and church-legislation	269
	Character of the struggle between Church and State	270
	Pontifical exposition of the *liberties of the Church*	270
	The One Visible Church—How constituted	271

DATE		PAGE
	The Isidorian decretals	271
	The interpretation, &c. to be sought in the Roman digests of canon law	272
	Operation of the so-called "liberties of the Church" upon the welfare of nations	273
	Matters for elucidation	274
	The three points reduced to two	275
	1. Operation of the liberties, &c., upon governments	275
	Italy before Charlemagne	275
	Italy, Spain, and France after Charlemagne	276
	Severance of Church and State—its result	277
	The clergy as officers of state	278
	Basis of the feudal union	278
	Basis of the ecclesiastical union	279
	Antagonism of the two principles favourable to liberty	280
	2. Operation of the liberties, &c. upon the welfare of the people	281
	The "Treuga Dei" and private warfare	281
	The Church and the crusade	282
	Effect of the crusade upon the interests of peace and social order	283
1181, Aug. 30th,	Death, government, and character of Alexander III.	285
	Genius and merits of his government	286
	The five succeeding pontificates	287
Sept. 1st.	Lucius III. pope	287
	He quarrels with the Romans, &c.	287
	Pacification of Italy	288
	Lucius III. and the emperor Frederic I.	289
	Disputed election to the see of Treves	290
	Policy of the Emperor in his dealings with Lucius III.	291
1185, Nov. 24th,	Death of Lucius III.	292
	Election of Urban III.—his demands	292
	Hostile disposition of Urban III. towards the Emperor	293
1186.	Great diet of Gellenhausen in Germany	294
	Grievances—Pontifical assaults upon lay patronage	294
1187, Oct. 20th,	Urban III. threatens to excommunicate the Emperor	295
	Declaration of the papal prerogative by Godfrey of Viterbo	295
	Capture of Jerusalem by Saladdin, and death of Urban III.	296
1188, Dec. 16th,	Gregory VIII. pope—His speedy death, and election of Clement III.	297
	Treaty with the Romans, and restoration of Clement III.	298
	Romans stipulate for the destruction of Tusculum and Tivoli	298
1191, Mar. 27th,	Pontificate and death of Clement III.	299
	Cœlestine III. pope	299
1189.	Crusade and death of the emperor Frederic I.	300
1186.	Marriage of Constantia of Sicily with Henry VI.	300
June 1190.	Tancred of Lecco, king of Sicily, &c.	301
1191, April 12th.	Henry VI. claims and receives the imperial crown	301
	Destruction of Tusculum	302
	Henry VI. invades Southern Italy—his retreat	302
1194.	Death of Tancred—Liberation of Constantia—Conquest of Sicily, &c. by Henry VI.	303

DATE		PAGE
	The crusades; their effect on the advancement of the papal power	304
	The spirit of the crusade	305
1187, Oct. 29th.	Privileges granted by Gregory VIII. to crusaders	306
	Levy of the Saladdin tithe—Protest of Peter of Blois	308
	Impediment to the projected crusade	309
1189, July 6th.	Death of Henry II.	309
	The German crusade under Frederic I.	309
1188.	Diet of Maintz—Crusade—its failures	310
	Captivity of Richard I. of England	310
	Relation of the English and Scottish churches to the papacy	311
	Relics of 'Saint' Thomas	312
	Dissensions in Scotland	312
	Triumph of sacerdotal influence in England—Biographies, pilgrimages, &c., in honour of "Saint Thomas"	313
	King Richard I. and Hugh bishop of Lincoln	314
	Successful impudence of bishop Hugh	315
	The English clergy refuse contributions to the holy war	316
	Richard I. in the crusade—Expulsion of the regent-bishop of Ely—Hugh Nonant, bishop of Coventry	317
	The bishop-regent excommunicates his enemies	317
	Cœlestine III. confirms the excommunication	318
1198, Jan. 8	Pope Cœlestine III. on the divorce of Philip Augustus of France	319
	Death of Cœlestine III.	
	Conclusion of Book XII.	

BOOK XIII.

CHAPTER I.

Introductory chapter	321
Introductory observation	321
Difficulties of the subject	322
Difficulties of arrangement	323
Order of arrangement contemplated	324
Territorial claims and acquisitions of the Holy See—*Relations of Rome to the nations and governments of her communion*	325
The papal scheme at the close of the twelfth century	325
This scheme based upon *territorial dominion*	325
The *temporal basis* of spiritual power in the Middle Ages	326
The "Patrimony proper"	326
"Donation of Constantine," &c., and other forgeries	327
Their effect upon the papal claims	327
Effect of the genuine cessions and donations to the Holy See	328
Their extent	328
Donations of Pippin the Short and Charlemagne	328
Doubtful what territories these donations conveyed	329
General powers of government exercised by the Popes over these territories	329

DATE		PAGE
	Secular opinion of the rights of the Holy See—Germanic opinion	330
	Opinion of Germany distinguishes right of present possession from absolute sovereignty	331
	Political position of the papacy at the death of Henry VI.	331
	Internal government of Rome and the "Patrimony"	332
	State of Europe at the commencement of the reign of Innocent III.	333
	France—Philip (II.) Augustus	333
	France and England—Philip II. and Richard Cœur de Lion	333
1190 and 1191.	Character of Richard I.	334
	Joint crusade of Richard and Philip II.—Its consequences	335
	Death of Richard—Divorce of Philip	336
	Germany and Italy—The *political* imperium and the *spiritual* imperium	336
	Henry VI. in Italy	337
	The imperial governors in Italy	338
	Death of Henry VI.—its consequences	339
	The Spanish peninsula	339
	The Scandinavian churches of the twelfth century	340
	State of the Sclavic churches—Poland	341
	Roman discipline in the Polish churches	342
	Hungary—Bulgaria—the Byzantine empire—Jerusalem—Armenia	343

CHAPTER II.

EDUCATION AND OPINIONS OF INNOCENT III.

	Birth and education of Lothario di Segni	345
	Lothario in Paris	346
	„ at Bologna	346
	Study of the canon law introduced into the university	346
	The 'Decretum,' &c. the text-book of study	346
	Celebrity of the faculty of canon law at Bologna	347
	Influence of the study of canon law upon the mind of Lothario	348
	Lothario returns to Rome	348
	Is made cardinal of St. Sergius and Bacchus	349
	His retirement from public life—how he employed himself	349
	His works composed during this period	349
	The treatise "De Miseria," &c.	349
	Degraded character of man	350
	Human pursuits, their vanity, &c.	350
	The poor and the rich—the slave	350
	The married and the unmarried	351
	The just and the righteous—their lot on earth	351
	Sympathetic sufferings, &c.	352
	Correspondence of the outward with the moral and spiritual state—gluttony—drunkenness—lust—frauds—luxury, &c.	352
	The "Dialogue between God and the Sinner"	353
	Hopeless case of the sinner	353

DATE PAGE

The remedy—confession and penance through the priest 353
The Pope the universal pardoner 354
Danger of postponing confession and penance . . 354
Summary of the opinions of pope Innocent III. . . . 355
Their scope and character 355
Substitution of the Church for Christ—Why? . . 356
Explanations and qualifying considerations . . . 356
Propension of thinking men for the Church . . . 357

CHAPTER III.

DECLARATION OF PREROGATIVE—AFFAIRS OF SICILY.

State of the papacy at the death of Cœlestine III. . . 358
Dispositions of the Curia 359
Death of Henry VI.—its consequences 360
Public opinion of cardinal Lothario di Segni 360
1198. Election of Lothario as pope Innocent III. 361
Jan. 8th. His preliminary admonition to Philip Augustus of France 362
Initiative of his pontificate 362
Innocent III. upon the pontifical office 363
Declaration of prerogative 363
Illustration of the prerogative, &c. 364
Intent of the declaration 364
Preliminary reforms—Judicial reforms 365
1198. Consecration of Innocent III.—Consecration sermon . . 366
22d Feb. Text—"The good steward" 356
The Pope Christ's *steward*—the faithful steward—the wise steward—his duties 367
Scriptural types of the faithful steward—the robes of Aaron 368
Personal application of these types 369
The Pope "*greater than man, less than God*" . . . 369
Nature and quality of the food to be administered by the good steward 370
The installation of Innocent III. 370
Ceremonial of installation—the Te Deum—the "sedes stercoraria" 371
The belt—the purse—the jewels—the largess . . . 372
Principles of the pontifical government 373
The Pope assumes the absolute sovereignty of Rome . . 374
State of the imperial acquisitions of Southern Italy . . 375
Sicily—Papal demands against the empress Constantia. . . 376
Submission of Constantia to the Pope's terms . . 376
The new Pope and the cities of the Tuscan league . . 377
Their submission 378
Innocent III. obtains possession of the marches of Ancona and of the duchy of Spoleto 379
Difficulties of the Pope—how he secured his acquisitions . 380
Right and title of the Holy See to these territories . 381
Extension of principle of acquisition to all churches . 382
1198. Innocent III. assumes the government of Sicily after the death of the empress Constantia 383

DATE		PAGE
	Marcuald's expedition into Apulia	383
	His deceit and prevarication	384
	The Pope again excommunicates Marcuald	385
	Publishes a crusade against him	385
	The duke Marcuald returns to Sicily	386
	Count Walter de Brennes	386
1200.	Defeat of Marcuald in Sicily	387
	Opposition of the chancellor Walter, bishop of Troja	388
	Walter of Troja in alliance with duke Diephold	389
1201.	The Count de Brennes defeats Diephold and the chancellor, &c.	389
1202.	Death of Marcuald	390
	The ex-chancellor and Capperone in Sicily	390
1205.	Insurrection in Apulia—Death of Walter de Brennes, and pacification	391
1209, 1210.	State of Sicily—The young king Frederic and his ministers and guardians	392
	King Frederic of Sicily	392
	His character	393

CHAPTER IV.

DOMESTIC DISTURBANCES—FRANCE—SPAIN—BULGARIA.

	The cities of Italy	395
	The cities of Rome and the Patrimony	396
	Municipality or republic of Rome	397
	The supremacy of the empire—a fiction of law	398
	Innocent III. declares himself lord paramount (sovereign) of Rome	398
	Effect of the declaration of supremacy	399
	Government of Rome, &c. in the hands of the Pope	399
	Discontents	400
	Foreign feuds—Viterbo and Vitorchiano	400
	The feud taken in hand, and settled by the Pope	401
	Domestic feuds—the Orsini and the Della Scorta, &c.	401
1204.	Malady of the Pope, and restoration of the elective senate	402
	Disorders in Rome	402
	Civil war in Rome—the Petrileoni and Capocci	403
	The insurgents defeated by the papal party	403
	Compromise—a new senate elected	403
	The new senate found incompetent—renewed disorders	404
	Results	404
	Popularity of the Pope—his charities and	404
	Charitable foundations	405
	Position of pope Innocent III. abroad	406
	His government of the Church	407
	His discipline—the translation of bishops	408
	Pontifical police	408
	External or secular policy of Innocent III.—Makes himself a party to the disputes of princes, &c.	409
	Affair of Baldwin of Flanders	409
	His denunciations against Philip Augustus of France	410
	His plans for the promotion of a new crusade	410

DATE PAGE
The crusade—preparations in France, Italy, &c. . . . 411
Measures of Innocent III. in the divorce of Philip Augustus . 411
Proceedings against the King, &c. 412
He excommunicates the King, and interdicts the kingdom 413
Hesitation of the bishops of France to publish the sentence 414
False position of Philip of France 414
His submission—the conditions imposed . . . 415
Interdict, &c. dissolved 416
The Pope punishes the recusant French bishops . . 416
Jurisdiction of Rome in matrimonial causes 417
Alphonso of Leon excommunicated for uncanonical wedlock 418
Political interferences of the Pope in Spain 419
He claims Portugal as a tributary kingdom 419
Tribute and tributary kingdoms; how treated by the Holy See 420
Character of the papal pretensions 421
The Pope and the emperor Alexius Angelus of Constantinople 422
The Emperor asserts, and the Pope vehemently rejects, the claim of the preëminence of the State in the convocation of a council 422
The Emperor claims restitution of the island of Cyprus, &c. 423
The negotiation drops 424
1204. Calo-Johannes, king of the Bulgarians—his petition to the Pope 424
He submits his kingdom to the Pope 424
He is crowned by order of the Pope 425
Theory of pontifical supremacy maintained by Innocent III. 426
The Pope in the quarrel between Andrew king of Hungary and the new Bulgarian kingdom 427
Resulting relations of both parties to the papacy . . 428

CHAPTER V.

INNOCENT III. AND THE CRUSADE OF 1202—THE HOLY LAND, SCANDINAVIA, &c.

Innocent and the holy war 429
The crusaders and the Venetians 430
Corrupt bargains of the crusaders with the Venetians . 430
Diversion of the crusade, and capture of Zara . . 431
Nugatory repentance of the Frankish pilgrims . . 432
Further diversion of the crusade—Alexius Angelus in the camp of the crusaders 432
Capture of Constantinople 433
Instructions of the Pope to the army 433
News of the diversion, &c.; how received by the Pope—The proviso—its effect 434
The Venetians absolved by the papal legate . . . 435
Second revolution in Constantinople 435
Expulsion of the Franks, and elevation of Alexius Ducas (Murzulfos) to the throne 436
Second siege and capture of Constantinople by the Franks 437

DATE		PAGE
1204, 23d May.	Baldwin, emperor	437
	Deed of partition between Venetians and Franks	437
	The emperor Baldwin's report and petition to the Pope	438
	Misgivings of Innocent III.	439
	Doubts of the Pope dissipated by the Franks after the second capture of Constantinople—his exultation in the event	440
	Petition of the emperor of Constantinople and the Venetians	441
	The Pope rebukes the crusaders, and refuses their petition	442
	The Pope accepts the actual state of things	444
1205, Mar.	Edict on behalf of the Latins of Constantinople	444
	Difficulties of the Pope—Misconduct of the legates	445
	He claims the whole patronage of the see of Constantinople	446
	He declines to ratify the treaty of partition	446
	The Pope and the Venetians in the matter of the patriarchate	447
	Indemnity to the clergy, and reorganisation of the Greek church	448
	Selfish policy of the Venetians	448
	How rebuked by the Pope	449
1205, 5th Apr.	Defeat and death of the emperor Baldwin	449
	Apology of Calo-Johannes to the Pope	450
	Henry of Flanders emperor—his liberal policy	451
	Failures and disappointments of the Pope	452
1204 or 1205.	State of Syria and the Holy Land—Leo king of Armenia	452
	Dissensions in Syria referred by appeal to the Pope	453
	Confusion of affairs in the East	454
	Principle of the interference of pope Innocent III. in the affairs of the East—how far successful	455
	Issue of the papal operations in the East	456
1204, Nov.	Foreign churches—Peter of Aragon crowned by the Pope	456
	King of Aragon a vassal of the Holy See	457
	The Scandinavian churches—Norway	458
	Sweden and Denmark—Poland	459
	The 'Emeriti' of the Roman church; their privileges	460
	Hungary—Indulgence to king Emerich	460

CHAPTER VI.

INNOCENT III. IN THE CIVIL WARS OF GERMANY.

	Principle of the government of pope Innocent III.	462
	Affair of the ransom of Richard I. of England	462
	Relations of France and England	463
	Duke Philip of Swabia regent of Germany	463
1198.	Rejection of the claims of the infant Frederic of Sicily to the imperial crown	464
	Adverse elections of Philip and Otto of Saxony	464
12th July.	Otto crowned at Aachen (Aix-la-Chapelle) by his party	465
	Philip crowned at Maintz—Informal elections and coronations	465
	Richard I. of England in the cause of Otto	465
	Philip Augustus embraces the cause of Philip	465

DATE		PAGE
	Adverse addresses of Richard and Philip Augustus to the Pope	466
	Address of Philip of Swabia to the Pope	467
	How these addresses were regarded by Innocent III.	468
	Procrastination—Release of the queen and family of Tancred by king Philip	469
	Candidates and partisans place their cause in the hands of the Pope	469
	Offensive election to the archbishopric of Maintz by Philip	470
	Adjudication of the Pope upon the claims of Philip and Otto	470
	Pontifical allocution	470
	Decision against Frederic of Sicily and Philip of Swabia	471
	Decision in favour of Otto	472
1201, 1st Mar.	Pope Innocent III. takes the election into his own hands, and proclaims Otto of Saxony king of the Romans and emperor-elect	473
	He claims the 'provisio imperii' in default of a legal election	474
	Failure of the papal legates in France and Germany	475
	Remonstrance of the estates of Germany against the allocution	476
	Insolent apology of Innocent III. to the states of Germany	477
	Character and drift of the apology	478
	Remonstrance of king Philip Augustus	479
	Reply of the Pope	479
	Measures of the Pope for reducing the prelates of Germany	
1201, 8th June	Oath imposed upon Otto IV.—Cessions	480
	Legal character of the cessions of territory	481
1202 and 1203.	Decline of the affairs of king Philip of Swabia—Attempted negotiation with Rome	482
	Increased misunderstanding—The Pope complains of forgeries and false reports	483
	Exertions of Innocent III. in the cause of Otto IV.	484
	His explanation to the Italian states and cities	485
	Supineness of the states of Germany in the cause of Otto IV.	485
	Oaths and promises of Otto IV.—Value of extorted oaths, &c.	486
1204.	Turn of fortune—king Philip in the ascendant	487
1205, 5th Jan.	Coronation of Philip at Aachen	488
	Wrath of Innocent III.	488
	Approaches of king Philip to the Pope	489
	Innocent III. feels his way to a reconciliation with king	
1207, 24th Jan.	Philip	490
	He absolves king Philip—Negotiates a truce, &c.	490
1208, 21st June	Murder of Philip of Hohenstauffen	491
	Innocent III. on the crisis in Germany—Proclamation of Otto IV.	492
	Admonition to king Otto IV.	493
	Acknowledgments of Otto—his suspicions of Frederic of Sicily	493
	King Otto IV. in Italy	494
	Proposed coronation-oath	495
1209, 27th Sept.	Alarming popularity of Otto IV. in Lombardy—his reforms	497
	Coronation of Otto IV.	497
	Alarm of the Pope and the Romans	497
	The Emperor breaks his engagements with the Pope	498

DATE		PAGE
	Conflicting oaths	499
	Otto IV. disregards the Pope's menaces	500
	Innocent threatens him with the fate of Nebuchadnezzar	500
	Indifference of Otto IV.	501
1209.	Otto IV. invades Apulia against the prohibition of the Pope	501
	Innocent III. denounces the treasons of the Emperor	502
	His crimes against the church	503
1210, Nov.	Innocent III. excommunicates Otto IV.—absolves his subjects, &c.	504
	Effect of the sentence in Germany—Perplexity of the Pope	504
	Frederic of Sicily	505
	Final attempt of the Pope to reclaim the Emperor	505
	Insurrection in Germany—Civil war	506
	The Germans invite Frederic of Sicily to assert his claims, &c.	507
	Success and sudden reverses of Otto IV.	507
	He returns to Germany—his marriage, and death of the bride	508
	Innocent III. transfers his patronage to Frederic of Sicily	508
	General policy of the Pope	509
1212.	Journey, arrival, and recognition of Frederic II. in Germany	510
1213, 12th July.	He confirms the cessions and engagements of Otto IV. to the Holy See—Diet of Eger, and compact between Frederic II. and Innocent III.	511
	Character and legal effect of the compact—*Paramount sovereignty*, &c.	511
	Scheme of Innocent III. for the separation of the crowns of Germany and Sicily	512
	Abdication of the kingdom of Sicily by Frederic II. in favour of his son	513
1214, 27th July.	Downfall of Otto IV.	514
	Battle of Bouvines	515
1215.	Coronation of Frederic II. as king of the Romans and emperor-elect	515
	Gains of Innocent III.	515

CHAPTER VII.

INNOCENT III. IN THE WALDENSIAN PERSECUTION.

	The theory of persecution—how connected with the history of the papacy	518
	The two principal points of connection	518
	Dispositions of the persecutors and the persecuted—Innocent III. a persecutor upon principle	519
	The devout churchman's idea of heresy	520
	Hatred of the heretics for the Church	521
	Irregular lives of the clergy rebuked—their resentment	521
	Preliminary reforms contemplated by Innocent III.	521
	Acknowledged virtues of the heretics, how treated by the clergy	522
	Earliest edict of Innocent III. against the heretics	522
	First fruits of the decree in France	523
1199.	Heresy in Italy—Religious disturbances at Orvieto	524

DATE		PAGE
1207.	Heresy in Viterbo—Alleged Manichæism	524
	Edict published on this occasion	525
1198 to 1200.	Publication of these edicts in France	526
	The "Church in danger" in France	527
	Political and religious state of the southern provinces of France	528
1194.	Raymond count of Toulouse	528
	Civilization of the South	528
	Ineffectual attempts to put down heresy in Languedoc	528
1204.	Measures of Innocent III. for that purpose	529
	Peter de Castelnau and the Cistercian monk Arnold	529
	The legates disarm count Raymond of Toulouse	529
1207.	Bishop Diego of Osma and friar Dominic	530
	Peter de Castelnau excommunicates count Raymond	530
	Labours of the inquisitors	531
	Exasperation of Innocent III.	531
	Insolent letter of the Pope to count Raymond	532
	Count Raymond intimidated	533
	Publication of a crusade against count Raymond and the heretics, &c.	533
1208, Jan. 15th.	Murder of Peter de Castlenau	534
	Rage of pope Innocent; he curses count Raymond	535
	Organisation of the crusade	535
	Arnold of Fontfraid—Simon de Montfort—Dominic	536
	Submission of Raymond—conditions of pardon	536
	Intent of pope Innocent—recommends *pious fraud* to his legates	537
	Intends to depose count Raymond—guile of Innocent III.	537
1209, June	Count Raymond deluded into confession and penance	538
	His penance at S. Gilles	539
	Advance of the crusading army	539
	Massacre of Beziers	540
	Simon de Montfort, vassal of Rome for the county of Beziers—Murder of viscount Raymond Berenger	541
	Count Raymond again excommunicated	541
	The inquisitor Arnold recommends the murder of the count, &c.	541
	Appeal of Raymond to the Pope	542
	Papal rescript ignored by the legates	542
	The canonist Theodisius on the case of count Raymond	543
	The legates refuse to hear the count in justification, &c.	543
1209.	The crusade and its results	544
	Consolidation of the crusade	545
	Deposition and destitution of count Raymond	546
	Innocent III. ratifies the decree of destitution	546
	The crusade essentially a war of conquest	547
	Innocent and king Peter of Aragon—he rebukes the legates, &c.—his evasive reply to the king's petition	548
	The inquisitors and the bishops recommend the destruction of the city of Toulouse and the massacre of the inhabitants	549
	The intercession of the king of Aragon rejected	550
1213. Sept. 12th.	The Pope accuses him of falsehood, &c.	551
	Defeat and death of king Peter of Aragon by Simon de Monfort	552
	Innocent compels Simon to release the young king, &c.	553
	Submission of the excommunicated cities and nobles	553
	Exile of Raymond of Toulouse	554
	System of persecution perpetuated	554

DATE PAGE
1215, Jan. 8th. Simon de Montfort proclaimed count of Toulouse . . . 555
General character of the crusading movement, &c. . . . 555
Note upon the religious tenets of Albigenses, Waldenses, &c. 556

CHAPTER VIII.

POPE INNOCENT III. IN THE AFFAIRS OF ENGLAND.

England in its relation to the papacy 559
1199, May. Accession of king John and treaty of Andily 559
King John and the Pope—Offences of the king . . . 561
1202, Aug. 1st. Condemnation of king John by the court of peers in France . 562
Capture of prince Arthur, and expulsion of king John, &c. . 562
Pope Innocent III. vindicates his right to interfere, &c. . . 563
His efforts to reconcile the kings of France and England . . 564
Policy of the Pope under his disappointments 565
His designs against the Church of England 566
Rome and the Constitutions of Clarendon 567
Death of archbishop Hubert of Canterbury—State of parties . 568
Election of an archbishop—Stratagem of the monks of Canterbury 569
Failure of the stratagem—The king and the canons elect the bishop of Norwich 570
Appeal and proceedings of the parties at Rome . . 570
Claims of the suffragans of the province rejected . . 570
The Pope declares the see of Canterbury vacant . . 571
He takes the election into his own hands 572
He causes cardinal Stephen Langton to be elected archbishop of Canterbury—eludes the royal assent . . 573
Character of the papal proceeding, &c. 574
The king expels the canons of Canterbury from their convent 575
King John's unbecoming reproaches to the Pope . . . 576
Reply of the Pope—he asserts the *plenitude of power* over the church of Canterbury 577
1208, Mar. 23d. England under interdict—Pontifical influence in England . 579
Excommunication of king John 580
Tyranny of the king 580
His position—his difficulties 581
He refuses the terms proposed by the Pope . . . 582
1213. Papal sentence of deposition against John—transfer of the crown of England to Philip Augustus of France . . 582
The sentence held *in terrorem* over king John . . . 582
Astute policy of the Pope 583
Helpless alarm of king John 584
Treacherous policy of the Pope 584
Pandulph returns to England—describes the threatened danger to king John 585
Terms of reconciliation stated and accepted by John . . 585
1213, May 13th. He surrenders himself, his church and kingdom, into the hands of the Pope 586
He transfers his crown and kingdom to the legate . . 586
Charter of surrender 587
The Pope overreaches Philip Augustus—he countermands the invasion of England 588

DATE		PAGE
	Character of the transaction as it affected all parties	589
	Conduct of the insurgent barons and people of England	591
	Gains and losses of all parties	592
13th July.	Return of the exiled prelates, and absolution of the king	593
	Complaints of John to the Pope of the barons and clergy of the kingdom	594
	His engagement to maintain the good laws of Edward the Confessor	594
	Mission of the legate Nicolas, bishop of Tusculum	595
	He supports the tyranny of the King	595
	Proceedings of the legate—Convocation and confirmation of the charter of surrender	596
	Whether the confirmation is to be considered a properly legislative act?	596
	A convocation—Archbishop Langton on the laws and liberties of England	597
	Reproduction of the charter of Henry I.	567
	Meetings at Reading and Wallingford about the indemnity, &c.	599
	Pontifical dealings with the churches and benefices of England	599
	Proceedings of the legate—Favouritism and corruption	600
	Protest of the archbishop and bishops of England—abuses of the legatine powers	601
	Dismissal of the protest, and award of indemnity	602
	Unjust assessment and distribution of the fund	602
	Events preparatory to the enactment of the *Great Charter*	603
15th Oct.	Expedition of king John to France	603
	Failure—Battle of Bouvines	604
	Popular and clerical grievances—The answer of the Pope	604
	Effect of the reply upon the barons, &c.—Attempt of John to gain over the clergy	605
	Secessions from the King's party	606
1215.	*Magna Charta*—Character of the instrument	607
	How treated by the Pope	607
	Appeal of the King to the Pope against the Great Charter	608
	Wrath of Innocent III.—his hatred of independent action	609
	Papal manifesto against the barons, &c.	609
1215, Aug. 24th.	Contumacy of the barons	610
	The Pope condemns and curses Magna Charta	611
	Effect of the papal manifesto in England	611
	Renewal of the civil war, and excommunication of the barons	612
	Papal denunciation against the archbishop Langton and the barons, &c.	613
	Simon Langton chosen archbishop of York	613
	His election cancelled by the Pope—Suspension of the archbishop of Canterbury	614
	Success of king John at Rome	615
	The citizens of London repel the interdict, &c.	615
	The barons at disadvantage	616
	Prince Louis of France prepares to invade England	617
	He is inhibited by the Pope	617
	Discussion and remonstrance of the king of France and prince—Reply of the legates, &c.	618
1216, May 21st.	Prince Louis to the Pope—He lands in England	618
	Reply of Innocent III.	619
	Counterpleas of prince Louis	620

DATE PAGE

Character and merits of the arguments, &c. . . . 621
1216, July 21st. Excommunication of the king of France, prince Louis, and the barons of his party 622
The condemned sermon 622
King Philip Augustus evades the interdict . . . 622
Langton at Rome—Robberies of the legate in England . . 623
Death of Innocent III.—Accession of Honorius III. . . 624
1216, Oct. 19th. Death of king John—Policy of Innocent III. in England; its success 625
Accession of Henry III. and retreat of prince Louis, &c. . 625

CHAPTER IX.

LAST ACTS OF INNOCENT III.—GREAT COUNCIL OF THE LATERAN.

General policy of pope Innocent III. 627
Inroads upon secular government, &c. 628
Irregular opposition, how to be encountered . . . 628
State of Europe prior to the convocation of the great council of the Lateran—*Italy* 629
The Guelfic league encouraged by the Pope . . . 629
Treaties, promises, oaths opposed to political interests . 630
Germany—Right of the Emperor to the crown of Italy . . 631
France—Inert and obstructive policy of king Philip (II.) Augustus 632
England—Abject state of the government under Henry III. . 632
Spain—The Spanish kingdoms the spiritual vassals of Rome . 633
Convocation of a general council of the Latin churches at Rome 633
Subjects proposed—Real objects of the council . . 634
Leading motives for the convocation 634
1215, Nov. 11th. Letters of convocation—Preparatory measures . . 635
Opening of the great council of the Lateran 636
"Concio ad clerum"—Reformations prescribed . . 637
Pontifical idea of the functions of councils . . . 637
Regarded only as incidental advisers and registrars of the papal ordinances 638
The first canon—*Transubstantiation* adopted and canonized 639
Effect of the canonical adoption, &c. . . . 639
Antecedent adoption 640
Motive for the adoption, &c. 640
The third canon—Edict for the extirpation of heresy . 641
Character of the edict 642
Provisions for the execution of the edict . . . 643
Establishment and canonisation of the tribunal of the *Inquisition* 644
Presumed assent of the secular powers . . 644
The fifth canon—Rearrangement of ecclesiastical dignities, &c. 645
Patriarchal precedence adjudged to Constantinople . 646
The pallium—how to be applied for, &c. . . 646
The twenty-fourth and twenty-fifth canons—Modes of election prescribed 647

DATE		PAGE
	Exclusion of lay influence	647
	Reservation of the papal revision and confirmation in canon twenty-six	648
	The twenty-ninth canon—Against pluralities	648
	The thirtieth to the thirty-fourth canon—Prohibition of nepotism, diversion of ecclesiastical funds, &c.	649
	The thirty-fifth, thirty-sixth, and forty-first canons	649
	Jealousy of the laity—Decree of exemption, &c.	649
	The fifty-fourth canon—Ordinance respecting tithes	650
	The twelfth canon—The reformation of monasteries, &c.	650
	The eighth canon—The trial of clerical offenders	651
	The twelfth canon—Lay discipline—Sick persons; how to be treated—Medical practice impeded, &c.	652
	The fiftieth canon—relaxation of canonical restriction upon marriage	653
	General observations upon the ordinances of 1215	653
	Services of Innocent III. to his church	654
	The crusade—Proclamation of privilege to the crusaders	655
	Pope Innocent III. assumes the supreme command of the crusading forces	655
	A legate à latere deputed to the supreme command	655
	Financial regulations for the promotion of the crusade	656
	Observations on the political decrees of the Council of 1215	656
	1. The Crusade	657
	2. Arbitrary assignment of territory—Invasions of public rights—Simon de Montfort and the county of Toulouse	657
	3. Political interferences of the Pope in the affairs of England	658
	The Pope and the King against the Langtons	659
	4. Political interferences in the affairs of Germany—Rejection of Otto IV., and confirmation of the election of Frederic II.	659
1215.	Frederic II. assumes the cross—Effect of the step	660
	Pontifical charges against Frederic II.	660
	Establishment of the order of Friar-preachers (Dominicans), and of Minorites (Franciscans)—Dominic of Calaruega	661
1216, July 26th.	Francis of Assisi and the Fransiscans	663
	Last labours and death of Innocent III.	663
	His "concio ad clerum" on the excommunication of Philip and Louis of France	664
	Innocent III. judged by his contemporaries	665
	General observations on the pontificate of Innocent III.	666
	Principles of sacerdotal government, &c. established	667
	Object of the preceding volumes—Alleged identity, ab initio, of the Latin scheme	668

END OF VOL. V.

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ERRATA.

p. 35, line 5,	*dele* as		
39, „ 2,	*for* latter	*read* former	
97, „ 4,	„ that treaty	„	those engagements
101, „ 24,	„ Marcian	„	Marcion
124, „ 19,	„ Dole	„	Dol
157, „ 20,	„ 1168	„	1167
176, first side-note,	„ defeat	„	defect
178, line 21,	„ Matildian	„	Matildan
180, „ 15,	„ affected	„	effected
„ second side-note,	„ Matildian	„	Matildan
181, side-note,	„ do.	„	do.
182, line 3,	„ do.	„	do.
„ „ 13,	„ diverted	„	divested
205, note (a)	„ interr is	„	in terris
217, note (p)	„ frankalmaigne	„	frankalmoigne
237, line 1,	„ persuade	„	prevail upon
268, „ 16,	„ Trevers	„	Treves
294, „ 2,	„ Abp.	„	Archbishop
327, „ 24,	*insert* or, *which has dropped out*		
382, note (e)	*for* the golden age	*read*	a golden age
383, last line but one	„ Drephold	„	Diephold
523, note (m)	„ Bonshommes	„	Bonhommes
527, note (y)	„ Book	„	Chapter
559, line 9,	„ counterplans	„	counterpleas
561, „ 12,	„ this	„	these
564, „ 6,	„ fear	„	hear
581, „ 15,	„ cardinal	„	master
590, „ 20,	„ draw	„	conceive
592, last line but one,	*after* scheme	*insert*	itself
606, line 19,	*for* abandoned	*read*	relinquished

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